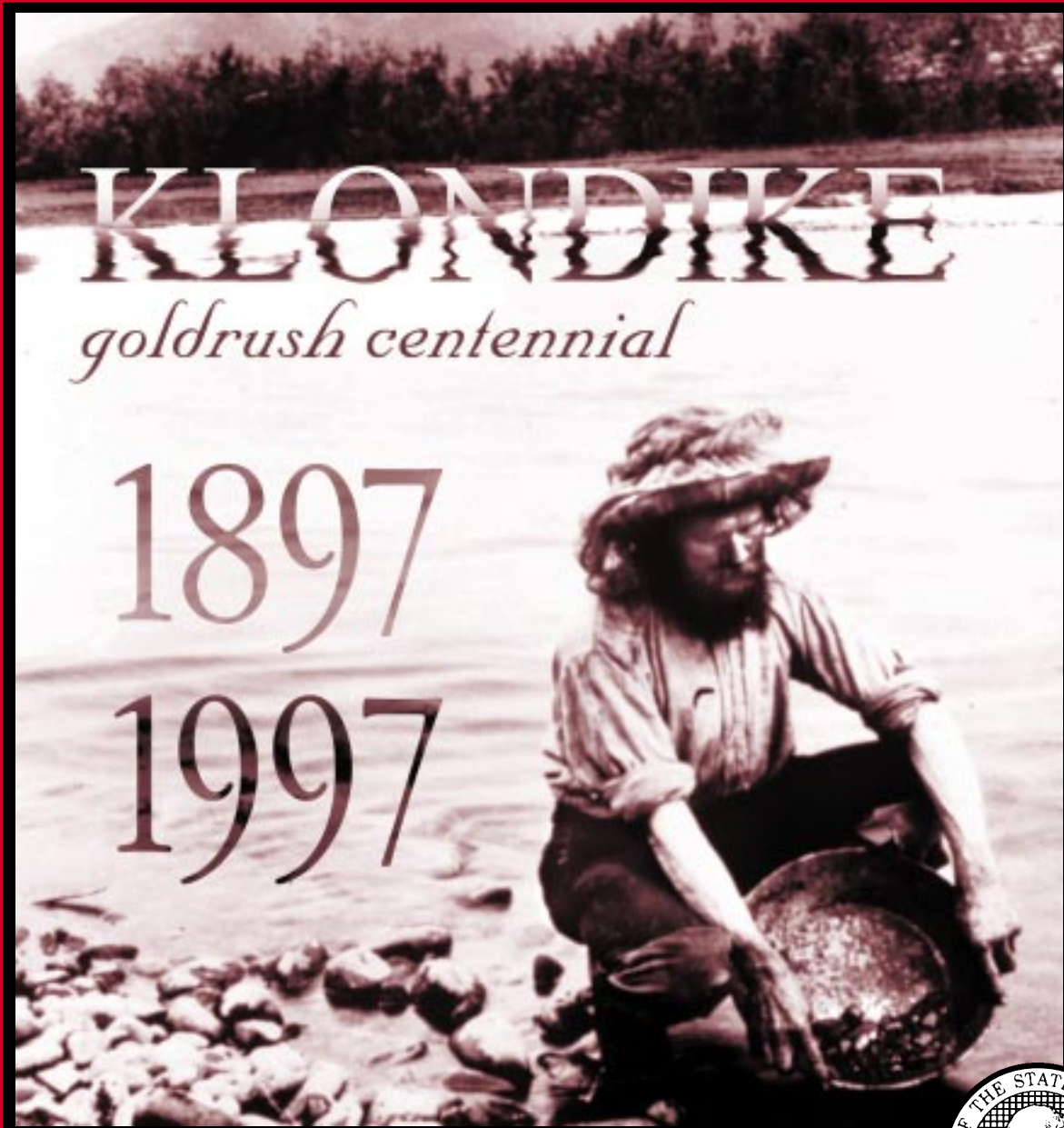


State of Washington
VOTERS PAMPHLET

State General Election, November 4, 1997



EDITION 1

Published by the Office of the Secretary of State

INTRODUCTION TO THE 1997 VOTERS PAMPHLET

Welcome to the 1997 Washington State Voters Pamphlet. This guide, guaranteed by our State Constitution, contains comprehensive information about the eight measures appearing on the November 4 General Election ballot. It includes statements for and against each proposal, rebuttal arguments, an official ballot title and explanatory statement, and the full text of each measure. You'll also find several pages designed to assist you with voting and the election process.

The cover of this year's guide is dedicated to a pivotal event in the history of the Pacific Northwest — the Klondike Gold Rush.

One hundred years ago the steamer SS Portland arrived in Seattle with a rag-tag assortment of passengers from the Yukon Territory of Canada. When the ship made fast to Schwabacher's Wharf on the 17th of July, 68 prospectors paraded down the gangway carrying suitcases, packs and even blankets crammed with gold mined in an area known as the Klondike. The sight of those newly-rich miners — viewed by a region that had suffered through many years of economic depression — touched off a frenzy.

In what has been billed as the last great gold rush, more than 100,000 people scrambled to the Yukon in hopes of striking it rich. Only about 30,000 to 40,000 made it, many taking a year or more to get there. In the harsh environment of the North, many froze to death or drowned, and many died of starvation and disease. Of those who survived, less than four thousand found gold, and just a few hundred actually got rich.

For Seattle and the state of Washington, however, the Klondike Gold Rush proved to be a bonanza. The city aggressively promoted itself far and wide as the gateway to the Yukon and it paid off handsomely. In less than a year Seattle merchants sold an estimated \$25 million worth of goods to gold-seekers bound for the Klondike. The railroad boomed and shipbuilding flourished. By 1900 the city's population had doubled.

The Klondike Gold Rush established our region as the economic hub of the Pacific Northwest. Today Washington state serves as a gateway for international trade, particularly with countries around the Pacific Rim. As we celebrate the Centennial of the Gold Rush, we salute those pioneer men and women who set the stage for our state's role as a leader in world trade and international commerce.



A handwritten signature in black ink, appearing to read "R. H. Munro".

RALPH MUNRO
SECRETARY OF STATE

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VOTERS CHECKLIST

Every Washington voter will have the opportunity to vote on eight statewide measures at the state general election on November 4, 1997. Voters are encouraged to bring any list or sample ballot to the polling place to make voting easier. State law provides: "Any voter may take into the voting booth or voting device any printed or written material to assist in casting his or her vote." (RCW 29.51.180).

YES NO

INITIATIVE MEASURE 673

Shall health insurance plans be regulated as to provision of services by designated health care providers, managed care provisions, and disclosure of certain plan information?

INITIATIVE MEASURE 676

Shall the transfer of handguns without trigger-locking devices be prohibited and persons possessing or acquiring a handgun be required to obtain a handgun safety license?

INITIATIVE MEASURE 677

Shall discrimination based on sexual orientation be prohibited in employment, employment agency, and union membership practices, without requiring employee partner benefits or preferential treatment?

INITIATIVE MEASURE 678

Shall dental hygienists who obtain a special license endorsement be permitted to perform designated dental hygiene services without the supervision of a licensed dentist?

INITIATIVE MEASURE 685

Shall penalties for drug possession and drug-related violent crime be revised, medical use of Schedule I controlled substances be permitted, and a drug prevention commission established?

REFERENDUM BILL 47

Shall property taxes be limited by modifying the 106 percent limit, allowing property valuation increases to be spread over time, and reducing the state levy?

HOUSE JOINT RESOLUTION 4208

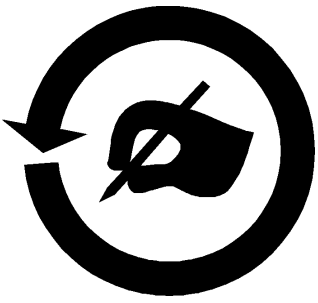
Shall the Constitution be amended to permit voter-approved school district levies to run for an optional four-year period, rather than the current two-year maximum?

HOUSE JOINT RESOLUTION 4209

Shall the Constitution be amended to permit local governments to make loans for the conservation or the more efficient use of stormwater or sewer services?

LOCAL ELECTIONS _____

**Secretary of State Toll-Free Hotlines
1-800-448-4881 (TDD for the hearing or speech impaired: 1-800-422-8683)**



INITIATIVE MEASURE 673

PROPOSED TO THE PEOPLE

Official Ballot Title:

Shall health insurance plans be regulated as to provision of services by designated health care providers, managed care provisions, and disclosure of certain plan information?

Note: The ballot title and explanatory statement were written by the Attorney General as required by law. The complete text of Initiative Measure 673 begins on page 21.

Statement For

You, not an insurance company, should choose your health care provider. Initiative 673 tells insurance companies that *you* have the right to choose your own doctor — **and to keep your doctor when you change jobs or insurance plans**. I-673 also **requires insurance companies to be accountable** for how they spend your health insurance money.

WHAT I-673 DOES AND DOESN'T DO

(1) Plans must permit people to keep their current doctors — even if they change health plans or employment. “Managed Care” practices and requirements must be efficient, fair, and non-discriminatory.

(2) The health plan must **disclose provider agreements that restrict your access to health services** and important financial information (such as what percentage of your premium actually goes to health care).

(3) *Your* health plan must permit *your doctor or licensed nurse-practitioner* to participate in your plan, with **three safeguards**:

- the care must be within your provider’s state-licensed scope of practice;
- your doctor must agree to reasonable standards and contractual terms and conditions consistent with effective and financially responsible health care; and,
- the plan must cover the condition or provide the service. (Your health plan is only required to pay providers for conditions or services covered by your plan.)

WHY YOU SHOULD VOTE FOR I-673

(1) The most important health care decisions for you and your children must be made by you — not by an insurance company.

(2) Restoring your right and responsibility to choose your

own doctor should *reduce, not increase*, your health insurance cost: fair, free-market competition among providers and health insurers for your patronage will lower health care costs.

For more information, call 1-800-906-4406. Internet: <http://www.speakeasy.org/initiative673>

Rebuttal of Statement Against

Here’s the plain truth about Initiative 673. It would:

- Give you the ability to keep your own doctor if you change jobs or health plans.
 - Require health insurance companies to disclose any restrictions on your health care coverage.
 - Require health plans to tell you what percentage of your health care premium is going to administrative costs and corporate health insurance executive salaries.
- Vote “yes” on I-673.

Voters Pamphlet Statement Prepared by:

CHERYL HYMES, retired State Legislator (Republican); LARS HENNUM, President, Washington State Council of Senior Citizens; PAUL W. BECKER, M.D., Association of American Physicians & Surgeons – Washington State.

Advisory Committee: BETTY SUE MORRIS, former State Representative (Democrat); JOYCE MULLIKEN, State Representative (Republican); STEVE CONWAY, State Representative (Democrat).

The law as it now exists:

Current law defines a "health plan" to mean "any policy, contract, or agreement offered by a health carrier to provide, arrange, reimburse, or pay for health care service," with certain exceptions. "Health carriers" include insurance companies, health care service contractors, and health maintenance organizations.

Current law requires health plans to provide information upon request concerning availability of service, referral procedures, managed care practices, grievance procedures, and related items.

Current law requires any health plan to permit every category of health care provider to provide covered services or care that is within a provider's permitted scope of practice, if the providers agree to meet plan standards relating to use and cost containment, management and administrative procedures, and provision of cost effective and medically effective services. Current law does not require a health plan to include every individual doctor or nurse practitioner who is willing to perform services covered by the plan. Under current law, health plans may lawfully contract with selected providers.

The effect of Initiative Measure 673, if approved into law:

This measure would establish additional requirements for health plans, effective July 1998. Health plans could include managed care or other management or administrative provisions only to ensure effective and efficient delivery of health care systems. Each plan would be required to ensure that people changing health plans or changing employment would not be required to change their doctor or nurse practitioner. Managed care provisions could not discriminate against any specific provider or type of provider included in the plan, and must be applied on a substantially fair and uniform basis among all providers included.

Health carriers would be required to disclose certain additional information about their health plans, including percentages of premium and investment income attributable to salaries and administration, to profits, and to direct provision of health care services. The disclosure must also show any plan requirements or agreements that restrict access or referral or otherwise limit the provision of health care services.

(continued on page 20)

Statement Against

THE TRUTH ABOUT I-673:

The special interests behind this deceptive measure want you to think it is about greater choice of provider. Don't be fooled!

1. DOCTORS OPPOSE I-673

Doctors oppose I-673 because it undermines high quality health care. The measure makes it harder to ensure that only the most qualified doctors and specialists care for you.

2. ELIMINATES CHOICE OF HEALTH PLAN

You will lose your ability to choose a lower cost health plan. You will have to pay for every single provider in the plan even if you don't want them.

3. DRAMATICALLY INCREASES HEALTH CARE COSTS

Independent studies of proposals like I-673 predict costs will rise by up to 20% — more than \$1,000 per family! Do you want to pay an extra \$1,000 for your health insurance?

4. DAMAGES SMALL BUSINESS

Many small businesses will not be able to afford these cost increases. They will be forced to reduce or eliminate health insurance coverage, or lay employees off.

5. PEOPLE LOSE COVERAGE

You could also lose health insurance coverage for your spouse and children because of increased costs. You will pay higher co-payments for services.

6. HAMMERS TAXPAYERS

Taxpayers will be forced to pay millions of dollars more to provide coverage to public employees and people on public assistance.

WHO BENEFITS?

The special interests promoting I-673 have spent thousands of dollars to put it on the ballot. Why? To increase their profits at your expense.

NO ON I-673!

Rebuttal of Statement For

Don't Be Fooled!

Doctors, nurses and the state hospital and medical associations oppose I-673.

I-673 jeopardizes quality, increases costs and forces you to pay for virtually every health care provider in Washington — whether you want to or not. I-673 will take away your ability to choose a health plan tailored to your needs and pocketbook.

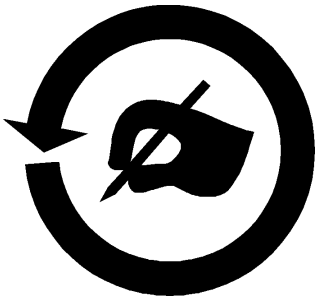
I-673 isn't about guaranteeing your choice, it's about guaranteed income for the special interests who wrote it.

Vote No!

Voters Pamphlet Statement Prepared by:

NANCY L. PURCELL, M.D., President of the Washington State Medical Association; BERNADENE "BERNIE" DOCHNAHL, small business owner, former Chair — Health Services Commission; DONALD C. BRUNELL, President, the Association of Washington Business.

Advisory Committee: PETER M. MCGOUGH, M.D., family practice physician; BOB WATT, President & CEO, Greater Seattle Chamber of Commerce; GARY SMITH, Executive Director, Independent Business Association; OWEN REESE, M.D., Medical Director for Memorial Clinic Health Network; DEBBIE WARD, R.N.



INITIATIVE MEASURE 676

PROPOSED TO THE PEOPLE

Official Ballot Title:

Shall the transfer of handguns without trigger-locking devices be prohibited and persons possessing or acquiring a handgun be required to obtain a handgun safety license?

Note: The ballot title and explanatory statement were written by the Attorney General as required by law; the explanatory statement was amended by the court. The complete text of Initiative Measure 676 begins on page 21.

Statement For

A COMMON SENSE APPROACH TO HANDGUN SAFETY

Every year far too many Washingtonians are killed or wounded by handguns. It is the deaths and injuries of children which stand out so dramatically. I-676 is a sensible law addressing the lethal combination of handguns and young children. The time has come for reasonable laws to reduce the number of deaths due to handgun accidents and violence.

TRIGGERLOCKS AND SAFETY LICENSES WILL SAVE LIVES

I-676 adds handgun safety training and triggerlocks to the minimum requirements for purchasing a handgun. This will reduce handgun related accidents and save lives by protecting children and making adults smarter and safer with their handguns.

I-676 GIVES LAW ENFORCEMENT ANOTHER TOOL

I-676 permits law enforcement to take into custody handguns from anyone who does not have a handgun safety license. It is another tool for our law enforcement officials to help keep handguns out of the hands of irresponsible and dangerous people.

ISN'T SAVING ONE LIFE WORTH IT?

Today our state has no handgun safety laws. Not one! No safety license. No safety training. No triggerlocks. No wonder children keep dying. A \$25 handgun safety license and a \$12.50 triggerlock: small prices to pay for the life of a child.

I-676 is constitutional, reasonable, practical legislation that will save lives. We urge your YES vote on I-676, the Handgun Safety Act.

Endorsed by Republicans, Democrats, police, prosecu-

tors, physicians, gun-owners and non-owners, and many organizations including: Washington Education Association; Washington Association of Churches; The Seattle Times; Mothers Against Violence in America; Seattle Council – PTSA; Washington Ceasefire; and the Washington Academy of Family Physicians.

For more information, call (206) 583-8113.

Rebuttal of Statement Against

Opponents say I-676 will cause more deaths than save lives. That is false and misleading.

Triggerlocks and safety training will save lives!

Triggerlocks and the 5-year phase-in of safety training won't solve the whole crime problem or stop people from doing dumb things with handguns. But I-676 will definitely reduce deaths and accidents by making people smarter about their guns and giving law enforcement another tool.

That's why police and troopers across Washington support I-676.

Voters Pamphlet Statement Prepared by:

JOEL PRITCHARD, former Lieutenant Governor – Republican; JEAN GARDNER, former First Lady – Democrat; TOM WALES, Prosecutor, Co-Chair, Washington Citizens for Handgun Safety.

Advisory Committee: PAM BEHRING, President, Spokane League of Women Voters; JAMES A. BLACK, M.D., Renton neurologist, lifelong handgun owner; LARRY M. FEHR, Executive Director, Washington Council on Crime and Delinquency; DARLENE HENSLEY, Marysville teacher, Board of Directors, Washington Education Association; PAUL HERSTEIN, M.D., Group Health Cooperative, Physicians for Social Responsibility.

The law as it now exists:

Under our state constitution individual citizens have the right to bear arms in defense of themselves or the state. Past Supreme Court decisions have held that this right is subject to reasonable regulation to protect the public safety, health, morals and general welfare. Under current law, certain people (persons convicted of serious crimes, persons less than eighteen years of age, persons who have been involuntarily committed for treatment of a mental illness) may not own or possess a handgun or firearm in this state. Current law also prohibits a person from carrying a concealed pistol (a firearm with a barrel less than sixteen inches long, or designed to be held and fired with one hand) anywhere except in the person's home or place of business, without obtaining a concealed pistol license. Current law contains no specific training requirements for handgun owners. Current law allows a chief of police or sheriff to issue a temporary emergency license for good cause.

The effect of Initiative Measure 676, if approved into law:

This measure would make it unlawful to knowingly sell, deliver, loan or otherwise transfer any handgun unless it is equipped with a trigger-lock or similar device. The measure would also require that anyone, before buying, taking possession or control of a handgun, obtain a handgun safety license, renewable every five years. Handgun safety licenses would be issued by the department of licensing and an on-line database of all handgun safety license holders would be created for law enforcement and corrections departments.

To obtain a handgun safety license, a person (1) must be at least eighteen years old; (2) must have received a "handgun safety certificate"; (3) must be a person who can lawfully possess a handgun under federal and state law; and (4) must pay a fee of up to \$25.00. A "handgun safety certificate" means a certificate that the holder has passed a course at least eight hours long, including instruction in the safe operation, handling, and storage of handguns, or that the person has received training at least equivalent to such a course.

(continued on page 20)

Statement Against

Initiative 676 creates an expensive new bureaucracy, promotes a false sense of security, limits self-defense and will result in *more* deaths!

Vote *NO!*

INITIATIVE 676: COSTLY BUREAUCRACY INTRUDES ON PRIVACY AND FREEDOM

Lets bureaucrats set standards for handgun ownership and grants them immunity when your right of self-defense is denied.

Department of Licensing (DOL) estimates 1,000,000 handgun owners in Washington. Add spouses and adult family members who must be processed and implementation deadline becomes *impossible* to meet.

Law-abiding citizens not processed by deadline are subject to firearms' *confiscation*.

Massive bureaucracy diverts police resources from pursuing violent criminals and threatens public safety.

Vote *NO!*

INITIATIVE 676: DANGEROUS SCHEME THAT WILL COST LIVES

Gun lock manufacturers warn that trigger locks on loaded guns "may result in accidental discharges," giving users a false sense of security.

Your fundamental right of self-defense is stripped away and placed in the hands of DOL bureaucrats.

Stalking victims and others in emergency situations cannot obtain waivers to exercise their self-defense rights.

Vote *NO!*

FIREARM SAFETY EXPERTS OPPOSE I-676

Washington State Law Enforcement Firearms Instructors Association voted *unanimously* from the floor to oppose I-676.

Civilian certified firearms safety instructors oppose I-676, although they would make money if it passes.

Vote *NO!*

WHO IS REALLY BEHIND I-676?

The same people who *opposed* the law enforcement-supported "3 strikes you're out" and "hard time for armed crime" initiatives.

I-676 backers have *never* trained a single person in firearm safety and are wholly unqualified to dictate this scheme.

They deceived you about buying petition signatures and now they're deceiving you about I-676.

PROTECT YOUR CIVIL LIBERTIES - VOTE NO ON I-676!

For more information, call (425) 454-4915.

Rebuttal of Statement For

Fortunately, State Department of Health accidental handgun fatality statistics for children are dramatically low. Current firearm safety programs and recent legislative action are the reasons why child gun accidents are very rare.

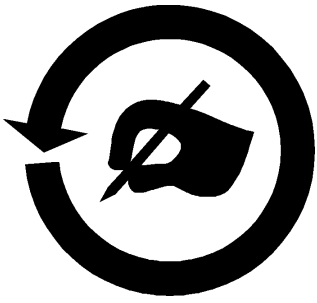
I-676 limits your right to self-protection, will cost lives, mandates a government deadline that can't be met and forces police to confiscate firearms from honest citizens.

Proponents' deceptive rhetoric aside, keeping children safe is the responsibility of parents, not government. Vote *NO!*

Voters Pamphlet Statement Prepared by:

JOE WALDRON, Chairman, Washington Citizens Against Regulatory Excess; LARRY SHEAHAN, State Representative, Chair, House Law & Justice Committee; DAVE LACOURSE, author, "Three Strikes" and "Hard Time" initiatives.

Advisory Committee: BILL BURRIS, President, Washington State Law Enforcement Firearms Instructors Association; Sheriff BILL WIESTER; ALAN GOTTLIEB, founder, Second Amendment Foundation and crime victim advocate; ROBIN RENEE BALL, firearm safety instructor and KSBN radio host; KIRBY WILBUR, KVI radio host.



INITIATIVE MEASURE 677

PROPOSED TO THE PEOPLE

Official Ballot Title:

Shall discrimination based on sexual orientation be prohibited in employment, employment agency, and union membership practices, without requiring employee partner benefits or preferential treatment?

Note: The ballot title and explanatory statement were written by the Attorney General as required by law. The complete text of Initiative Measure 677 begins on page 25.

Statement For

A TRUE STORY

Sue Kirchofer was a valuable, loyal employee of a distributing company in Washington State. Her employee evaluations reported “high performance.” Then her employer heard that Sue was a lesbian. Her job was suddenly eliminated and she was fired. No other reason was needed.

WAS FIRING SUE KIRCHOFER LEGAL UNDER WASHINGTON STATE LAW?

Yes, Washington State allows employers to fire workers simply because of their sexual orientation. Job performance does not matter. Employers can fire someone just because of who you are or who they think you are.

INITIATIVE 677 GUARANTEES THE SAME JOB RIGHTS TO ALL.

I-677 stops the kind of discrimination Sue Kirchofer and thousands of others suffer. This initiative gives gays and lesbians the same rights in employment and union membership that other people already have and take for granted. I-677 protects homosexuals and heterosexuals from discrimination. Voting Yes on I-677 is the fair and the right thing to do. No one in Washington should be fired unfairly.

SAME RIGHTS FOR ALL.

I-677 does not require employers to provide domestic partnership benefits, quotas or preferential treatment of any kind. It does not override workplace conduct rules or dress codes. Religious organizations are exempt, as are employers with less than eight employees. Companies such as Microsoft, PACCAR, SeaFirst, REI, Nordstrom,

COSTCO, SAFECO and Weyerhaeuser, and jurisdictions such as unincorporated King County already have policies ensuring same job rights. It’s only fair.

WE NEED YOUR YES VOTE.

Join the League of Women Voters, the Washington State Labor Council, Hands Off Washington, and the many other endorsing organizations in voting Yes on I-677 — the Same Job Rights Initiative. It’s the fair and right thing to do.

For more information, call (206) 323-5191.

Rebuttal of Statement Against

Our opponents are not being honest about I-677. The truth is, it’s hard for them to defend the practice of firing good employees simply because of their sexual orientation.

Eleven states already prohibit this unfair practice. Washington law, however, still permits people to be fired for this reason.

Contrary to their scare tactics, I-677 clearly recognizes workplace conduct rules which apply to all employees.

Vote Yes on I-677, ensuring the same job protections for everyone.

Voters Pamphlet Statement Prepared by:

COLONEL GRETHE CAMMERMEYER, United States Army, retired; ELIZABETH PIERINI, President, League of Women Voters of Washington.

Advisory Committee: GARY LOCKE, Governor of the State of Washington; LISA BROWN, State Senator, 3rd Legislative District, Spokane; NORM DICKS, Congressman, 6th Congressional District; ELIAS GALVAN, Bishop, United Methodist Church, Pacific NW Annual Conference; RICK BENDER, President of Washington State Labor Council.

The law as it now exists:

The state currently has a "law against discrimination" which protects people from discrimination in employment, credit and insurance transactions, places of public resort, lodging and accommodations, amusements, and real property transactions. The current law prohibits discrimination in one or more of the following areas: race, creed, color, national origin, families with children, sex, marital status, or the presence of physical or mental disabilities, or the use of a trained guide dog or service animal.

Current law contains no specific protection against discrimination based on sexual orientation.

The effect of Initiative Measure 677, if approved into law:

This measure would prohibit employers, employment agencies, and labor organizations from discriminating based on sexual orientation in any of the following areas: employment opportunities, employment decisions, membership, and

membership privileges. It would also be unlawful to retaliate against a person for opposing unlawful discriminatory practices.

Nothing in the measure would require an employer, employment agency, or labor organization to provide benefits to the partner of an employee. Nothing in the measure would require preferential treatment based on sexual orientation. Nothing in the measure would prohibit employers from regulating work-place conduct if they regulate all employees in the same manner.

This measure would not apply to non-profit religious or sectarian organizations, or to employers with fewer than eight employees. The measure would include the state government and the governments of all political and municipal subdivisions.

The rights granted in this measure could be enforced by civil lawsuit. The Human Rights Commission would not have jurisdiction over matters arising under this measure.

Statement Against

INITIATIVE-677 MEANS SPECIAL RIGHTS FOR HOMOSEXUALS!

Don't be misled by Initiative-677. Homosexuals have exactly the same rights every employee has.

But Initiative-677 gives *special rights* to homosexuals, bisexuals, transsexuals, and transvestites based solely on sexual practices they choose to engage in. (READ Section-7)

Most people think others should keep their private lives private, not flaunt them in public and demand *special rights and legal protections* based on sexual practices. The workplace is simply not an appropriate place to display sexual behaviors.

INITIATIVE-677 MEANS TEACHING KIDS ABOUT HOMOSEXUALITY!

Under Initiative-677, public and private schools and day-care centers can't stop homosexual lifestyles from being openly displayed, or prevent teachers from "cross-dressing" in school classrooms.

Initiative-677 will legitimize and condone sexual behaviors parents may find inappropriate, unhealthy, unnatural, or immoral and impose them on their children.

INITIATIVE-677 MEANS INTRUSIVE GOVERNMENT & MORE LAWSUITS!

Initiative-677 is a radical proposal to fundamentally alter the way government regulates the workplace and an unprecedented invasion into people's private lives.

Public and private employers never know when they'll get sued for "discrimination" even if a person's sexual orientation, actual or "perceived", had nothing to do with it. When government gets sued and loses, taxpayers pay the bill.

Because Initiative-677 does not prohibit affirmative action or preferences for homosexuals - businesses, schools, and

government agencies will be forced to establish de-facto homosexual quotas to avoid false claims of "discrimination."

A VOTE AGAINST INITIATIVE-677 IS THE RIGHT VOTE!

Initiative-677 is almost identical to similar measures Tacoma *defeated twice*, the last time *overwhelmingly!* (71%-29%).

Homosexuality must not be given *special status* in the workplace! *If you support equal rights, not special rights, PLEASE VOTE "NO" ON INITIATIVE-677!*

For more information, call (360) 805-1217.

Rebuttal of Statement For

Discrimination is already against the law. Employees who keep private lives private and are qualified are already protected on the job.

Homosexuals have full constitutional protections now. But courts have ruled homosexuals don't qualify for *special constitutional protections*.

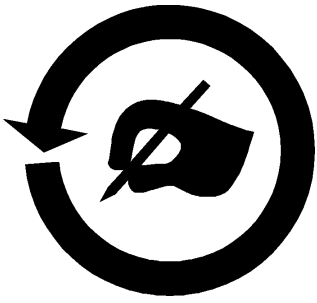
Initiative-677 gives *special rights* based on bedroom behavior. This is wrong. Initiative-677 contains no conscience clause for individuals who disagree with the homosexual agenda.

Join Tacoma citizens who twice voted down similar legislation. **VOTE "NO" ON INITIATIVE-677!**

Voters Pamphlet Statement Prepared by:

BILL THOMPSON, State Representative; DAN SWECKER, State Senator; BOB LARIMER, Director, Washington for Traditional Values.

Advisory Committee: HAROLD HOCHSTATTER, State Senator; STEVE FUHRMAN, former State Representative; BOB WILLIAMS, former State Representative; RABBI DANIEL LAPIN, private citizen; KATHY LAMBERT, State Representative.



INITIATIVE MEASURE 678

PROPOSED TO THE PEOPLE

Official Ballot Title:

Shall dental hygienists who obtain a special license endorsement be permitted to perform designated dental hygiene services without the supervision of a licensed dentist?

Note: The ballot title and explanatory statement were written by the Attorney General as required by law. The complete text of Initiative Measure 678 begins on page 26.

Statement For

WOULD YOU LIKE MORE CHOICES FOR DENTAL CARE?

Initiative 678 will allow dental hygienists to clean your teeth without the supervision of a dentist. Washington consumers will have **more choices**: going to an independent dental hygienist or a hygienist in a dentist's office. Initiative sponsors believe independent hygienists can provide quality care to **more people** at **less cost** with the same **high safety standards**.

HYGIENISTS ARE EDUCATED AND QUALIFIED TO PRACTICE INDEPENDENTLY

Washington state hygienists are required to have three years of college education, with annual, continuing education. They are registered and licensed to: clean teeth, assess and treat gum disease, administer pain control agents, provide oral cancer screenings, apply fluoride and sealants, and take x-rays. Initiative 678 will require a hygienist to practice under supervision for five years, obtain additional emergency training and a license endorsement before practicing unsupervised.

In 1983 and 1995, both the State Department of Health and State Board of Health agreed that Washington dental hygienists should be allowed to practice unsupervised.

Hygienists in Colorado, California, and Canada have practiced independently for years with proven safety, quality, accessibility, and cost effectiveness.

INITIATIVE 678 WILL:

- create the Dental Hygiene Quality Assurance Commission which will put the dental hygiene profession at the same level of responsibility and accountability as the other 22 licensed health care professions, without costing taxpay-

ers a penny;

- lower costs of dental care by making preventive dental hygiene services available to more people, especially those without dental insurance, high-risk children, and the elderly on fixed incomes.

MORE CHOICES, LESS COST, SAFE AS EVER VOTE YES – INITIATIVE 678

For more information, call (206) 344-4130.

Rebuttal of Statement Against

Only half of Washington residents receive dental care. That may be the best in the world, but not good enough. Registered Dental Hygienists are the most qualified specialists in dental disease prevention. Unsupervised hygienists have served thousands of seniors. Independent dental hygiene practices have all the financial risks and rewards of small business while increasing access, lowering costs and providing choices for people of all ages and means. Initiative 678 is a win-win for Washington.

Voters Pamphlet Statement Prepared by:

ANITA MUNSON, R.D.H., Initiative Sponsor; LESLEE AUSTIN, R.D.H., President-Elect, Washington State Dental Hygienists' Association; MELVIN CARLSON, D.D.S.

Advisory Committee: EUGENE FORRESTER, Chair, American Association of Retired Persons Legislative Committee; NANCY LENNSTROM, President, American Association of University Women of Washington; JOE KING, former Speaker of the House; JOHN THOMPSON, Secretary-Treasurer, Pierce County Labor Council, AFL-CIO.

The law as it now exists:

Under current law, qualified persons may be licensed as dental hygienists. Licensed dental hygienists may remove deposits and stains from the surfaces of teeth, may apply topical preventive or prophylactic agents, may polish and smooth restorations, may perform root planing and soft tissue curettage, and may perform other dental operations and services as delegated by a licensed dentist. Dental hygienists may not, under current law, perform surgical removal of tissue, prescribe drugs, perform diagnosis or treatment planning, or take impressions for the purpose of making a restoration or a prosthesis.

Under current law, dental hygienists may perform services only under the supervision of a licensed dentist, except that experienced hygienists may practice without supervision in a health care facility such as a hospital, nursing home, or group home if their services are limited to residents or patients of the facility.

There is a dental hygiene examination committee, appointed by the secretary of health, which gives examinations, approves educational programs, and otherwise assists in the licensing of dental hygienists.

Statement Against

WHY CHANGE HEALTH CARE THAT WORKS FOR YOU?

Your dental care is the best in the world. The percentage of cavity-free kids continues to increase, the cost of dental care has increased less than medical care, and, generally, you get all the dental care you need in one dental office from professionals that work together in your best interest. Dentistry is health care that works.

I-678 IS INCONVENIENT FOR THE CONSUMER

I-678 adds to the inconvenience we have in our lives. It's inconvenient to make two trips for dental care that can now be done in one office. It's inconvenient to pay twice for your health care. And it's inconvenient for you to receive limited care when you may need more involved care. That's not right. Vote no on I-678.

I-678 DOESN'T IMPROVE ACCESS

I-678 does not address the needs of low-income children. Twenty percent of Washington's children have 84 percent of the cavities, many of them from low-income homes. These children need dentist-provided treatment like fillings and extractions, treatment that a dental hygienist's education does not allow.

Dental hygienists won't use this law. They already have a right to practice independently in nursing homes, yet fewer than one percent do.

Most hygienists do not believe that they have the minimum level of education to practice independently, according to their own survey. I-678 won't help you, your children, or seniors.

I-678 SUPPORTERS GAIN; YOU LOSE

Like every special interest initiative, only its proponents will gain. I-678 proponents stated in a November 6, 1996,

The effect of Initiative Measure 678, if approved into law:

This measure would allow dental hygienists to practice their profession, under certain conditions, without the supervision of a licensed dentist. The dental hygiene examination committee would be replaced with a dental hygiene quality assurance commission appointed by the Governor. The new commission would assume regulatory and disciplinary authority over dental hygienists licensed in Washington.

The measure would permit licensed dental hygienists to perform the following services under the supervision of a licensed dentist: oral prophylaxis (teeth cleaning); smoothing the surfaces of teeth; root planing and soft tissue curettage; administering local anesthetic and nitrous oxide; applying therapeutic and preventive agents and sealants; placing and carving restorations; and related education, preventive and therapeutic services.

The measure would permit dental hygienists to qualify for an enhanced practice endorsement permitting them to practice unsupervised. Those with the endorsement could perform, without the supervision of a dentist, all the services permitted
(continued on page 20)

letter to supporters that their purpose is to increase their incomes. Plain and simple. Vote no on I-678.

Rebuttal of Statement For

I-678's claims are inaccurate.

Unsupervised practice in other states is a failure. For instance, significantly less than one percent of California hygienists practice unsupervised and they *don't* treat low-income patients.

I-678 will not save money. Equipping and staffing additional offices to provide dental hygiene will increase costs that are passed to the consumer.

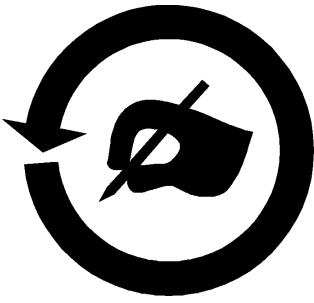
The current system of dental care provides the best quality in the world and doesn't need fixing.

Vote NO on Initiative 678.

Voters Pamphlet Statement Prepared by:

JULIE ZANNER, Registered Dental Hygienist; NANCY RANDALL, Registered Dental Hygienist.

Advisory Committee: VICKI PARKER, Registered Dental Hygienist; DAVID E. HOUTEN, Dentist; MARY KREMPASKY SMITH, Dentist; RICHARD A. CRINZI, Dentist.



INITIATIVE MEASURE 685

PROPOSED TO THE PEOPLE

Official Ballot Title:

Shall penalties for drug possession and drug-related violent crime be revised, medical use of Schedule I controlled substances be permitted, and a drug prevention commission established?

Note: The ballot title and explanatory statement were written by the Attorney General as required by law. The complete text of Initiative Measure 685 begins on page 29.

Statement For

YES ON INITIATIVE 685

Initiative 685 provides a new, more intelligent plan of attack for our drug problems, focusing on treatment and education.

The War on Drugs is failing. We have wasted billions of tax dollars, imprisoned thousands of people whose only crime is addiction and given politicians control over medical decisions which should be made between doctors and patients. Meanwhile, drug use among kids has doubled.

Initiative 685 replaces the politicians and rhetoric with doctors and treatment centers.

For nonviolent drug users convicted only for simple possession, the measure prescribes treatment, probation, and community service instead of prison time on the first two offenses. Treatment costs much less than prison and has a better chance of curing the disease of addiction. However, Initiative 685 maintains stiff penalties for drug dealers and toughens penalties for violent drug offenders.

Instead of wasting money on imprisoning drug users, a Parent's Commission on Drug Prevention will be funded to promote parental involvement in drug education. This new approach will replace scare tactics with facts and direct participation by parents.

Initiative 685 will not legalize any drug. It will medicalize drugs such as marijuana, allowing doctors to relieve the suffering of seriously and terminally ill patients. The suffering associated with cancer and other diseases could be treated with the approval of two doctors and documented scientific research.

Drug abuse is a disease, not a war. We need a medical approach instead of a political approach. Washington voters should vote Yes on this new public health strategy on drugs.

For more information, call (206) 781-6795. Internet: <http://www.eventure.com/I685>

Rebuttal of Statement Against

Those who oppose Initiative 685 predictably resort to deceptive scare tactics, rather than reason, in their argument. However, Washington voters are smart enough to understand the medical use of drugs with safeguards, including two doctors' approval. Voters also know that placing addicts—convicted of *only* possession—in court-supervised treatment, probation, and community service is not the same as legalizing drugs. I-685 replaces the failed political approach with a medical approach to reducing drug use.

Voters Pamphlet Statement Prepared by:

DR. ROB KILLIAN, Tacoma family physician, Hospice Director, sponsor of I-685; DR. ROB THOMPSON, Seattle cardiologist; REV. ANDREW J.W. MULLINS, Vice Dean, St. Mark's Episcopal Cathedral, Seattle.

Advisory Committee: JEFFREY T. HALEY, Bellevue attorney, Chairman, Citizens for Drug Policy Reform; RALPH SEELEY, Tacoma attorney, cancer patient; DR. STEVE GOLDMAN, Seattle surgeon; DR. G. ALAN MARLATT, Director, Addictive Behaviors Research Center, University of Washington; DR. WARREN GUNTEROTH, Seattle physician.

The law as it now exists:

Washington has adopted the Uniform Controlled Substances Act, in which drugs and other controlled substances are classified into several "schedules" numbered Schedule I through Schedule V. Schedule I substances include heroin, some forms of morphine, marijuana, LSD, peyote, and many other natural and synthetic substances. It is a crime to possess, dispense, or transfer controlled substances except as specifically authorized by law. There are no currently authorized uses of Schedule I substances.

The effect of Initiative Measure 685, if approved into law:

The measure would permit the receipt, possession, and use of any Schedule I controlled substance by a seriously or terminally ill patient, with the recommendation of a licensed physician. Physicians would be authorized to recommend Schedule I controlled substances to treat a disease or to relieve the pain and suffering of a seriously or terminally ill patient. Physicians would be required to exercise professional

judgment in recommending Schedule I controlled substances, to document that scientific research supports the use of the substance in question, to obtain the written opinion of a second physician that the use of the substance is appropriate, and to obtain the written consent of the patient.

A person convicted of a violent offense committed while under the influence of a controlled substance would be ineligible for parole and would be required to serve one hundred percent of his or her sentence in prison.

A person previously convicted of personal possession or use of a controlled substance and in prison would be eligible for parole upon approval of this measure. This provision would not include persons convicted of violent offenses, persons convicted as habitual criminals, or persons convicted of sale or production of illegal drugs. Those persons made eligible for parole by this measure would be released on parole unless a court found them to be a danger to the general public, and only on condition that they participate in an appropriate drug treatment or education program.

(continued on page 20)

Statement Against

Initiative 685 is a poorly drafted initiative that causes more problems than it solves. Initiative 685 has the effect of legalizing heroin, LSD, crack cocaine, and psilocybin and it releases convicted drug offenders into our neighborhoods.

FREES CONVICTED DRUG CRIMINALS FROM PRISON

Initiative 685 requires that people now in prison for the possession of any illegal drugs be immediately released – even if they have been previously convicted of felonies including certain rapes and assault. These criminals will be released with no conditions into our communities!

NO CONTROLS ON DRUGS

Anyone can possess and use street narcotics as long as they claim they have "a disease" and with only the "recommendation" of a doctor. There is no definition of "disease" and the "patient" must buy the drugs off the street with no FDA safeguards on quality, dosage, or delivery.

NO JAIL TIME FOR HEROIN POSSESSION

Initiative 685 prohibits incarceration for the possession of heroin, crack cocaine, and LSD and requires judges to impose suspended sentences with probation for possession of these drugs. Since there is no provision for suspended sentences or probation under Washington state law, possession of street narcotics would be a crime without punishment.

THIS PROPOSAL IS POORLY WRITTEN

No one is against helping people who are suffering. No one is against improving our drug laws. But this initiative is a classic "bait and switch" tactic that claims to be tough on

crime, but in reality:

1. Legalizes heroin, cocaine and LSD;
2. Releases prison inmates into our communities;
3. Makes all of our current drug laws unenforceable.

We can do better than Initiative 685. Please vote no.

Rebuttal of Statement For

Everyone agrees that more effective drug policies are needed and parents need to be involved in drug education.

However, these proposals in Initiative 685 are a smoke screen to the real intent of the initiative.

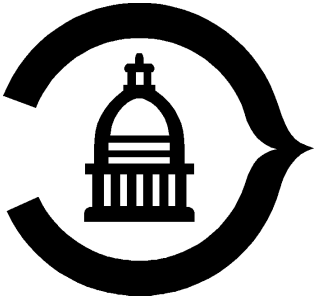
I-685 has the effect of legalizing drugs. Heroin, LSD and crack cocaine will be available on a doctor's "recommendation" — not a doctor's prescription. That's a recipe for disaster.

I-685 isn't about tough laws — it's about making current laws unenforceable.

Voters Pamphlet Statement Prepared by:

R.W. SEAMAN, M.D., F.A.C.S.; R.E. TREMBLAY, M.D., F.A.S.A.M., addiction medicine; WILLIAM O. ROBERTSON, M.D., medical toxicologist.

Advisory Committee: BRAD OWEN, Lieutenant Governor; NORM MALENG, King County Prosecutor; DR. TERRY BERGESON, State Superintendent of Public Instruction; MARC BOLDT, State Representative.



REFERENDUM BILL 47

**CHAPTER 3, LAWS OF 1997
PROPOSED TO THE PEOPLE BY THE LEGISLATURE**
Vote cast by the 1997 Legislature on final passage:
Senate: Yeas, 30; Nays, 17; Excused 2.
House: Yeas, 60; Nays, 38.

Statement For

Property taxes double every nine years. Washington taxpayers need meaningful, fair, long-term relief. That's what Referendum 47 is about: limiting the growth of your property taxes.

Referendum 47 will provide tax relief to all property owners, not just a few. It will permanently cut state property taxes and limit most taxing districts' ability to raise taxes to 6 percent per year or the rate of inflation – whichever is lower. Today's inflation rate is less than 3 percent, but local governments often raise their taxes by 6 percent automatically. How many taxpayers get an automatic 6 percent salary increase?

If local taxing districts feel they must exceed the limit, they can put the issue to a vote of the people. Referendum 47 will not limit local government's authority to generate sufficient funds to meet essential public needs.

The referendum also eliminates huge spikes in the taxable value of property by phasing in large assessment increases.

Referendum 47 respects the constitutional requirement that all property be treated the same for property tax purposes. It does not discriminate against some taxpayers in favor of others. It treats all taxpayers equitably.

Washington State will have an ample budget surplus even after voters approve Referendum 47. This referendum is a responsible and vital step in returning part of the state revenue surplus to taxpayers. That's fairness.

Washington citizens have waited long enough for meaningful, fair, long-term property tax relief.

Vote "YES" on Referendum 47.

Official Ballot Title:

Shall property taxes be limited by modifying the 106 percent limit, allowing property valuation increases to be spread over time, and reducing the state levy?

Note: The ballot title and explanatory statement were written by the Attorney General as required by law. The complete text of Referendum Bill 47 begins on page 31.

Rebuttal of Statement Against

Here are the facts: Referendum 47 not only cuts property taxes now, it reduces future increases. It's fair and equitable. It helps all property taxpayers, not just a few.

It's time to cut state property taxes and reduce future increases. Your yes vote brings significant, long-term tax relief to all taxpayers in Washington.

Vote "Yes" on Referendum 47.

Voters Pamphlet Statement Prepared by:

BRIAN THOMAS, State Representative; JAMES E. WEST, State Senator; DELLA NEWMAN, former Ambassador to New Zealand - businesswoman.

Advisory Committee: J. VANDER STOEP, former assistant to Senator Slade Gorton; STEVE APPEL, President, Washington State Farm Bureau; KEVIN O'SULLIVAN, Thurston County Assessor; JEANNETTE HAYNER, former Senate Majority Leader; GARY WRIGHT, President, Washington Association of Realtors.

The law as it now exists:

Real estate is currently assessed and taxed at 100% of its "true and fair" value. If a parcel has increased in value, either because of improvements or because of increased market value, county assessors are required to reflect the full value of these changes in the year the parcel is reassessed. These values are used each year in computing the taxes levied on each parcel of property.

Under current law, state and local governments are generally limited to levying, in any one year, no more than 106 percent of the total regular property taxes levied in the highest of the three most recent years in which taxes were levied. Taxing districts may levy higher amounts after obtaining voter approval at a general or special election.

In each year, the state levies a tax of up to \$3.60 per thousand dollars of assessed valuation for support of the common schools. This levy is adjusted to a "state equalized value" according to a statutory formula administered by the state department of revenue. The 1995 legislature enacted a temporary reduction in this state levy for the 1996 tax year, amounting to a reduction of 4.7187 percent of the amount which otherwise would have been levied.

The effect of Referendum Bill 47, if approved into law:

The proposed measure would allow assessors to adjust assessed valuation of property where value increases due to changes in the real estate market. This change would be effective for taxes collected in 1999 and thereafter. Each year, the "true and fair value" of each parcel would be calculated as before. Any increases in value would be attributed either to "improvement increases" (the increase in value caused by new construction or other improvements to the property) or "market increases" (the total increase minus the "improvement increase"). The assessor would then compare two numbers: (1) the "improvement increase" plus 115 percent of the previous assessed value, and (2) the sum of the previous assessed value, the "improvement increase" and 25 percent of the "market increase." The higher of these two numbers would constitute the assessed value of the property for the new tax year. However, this number could never be higher than the "true and fair value" of the property.

(continued on page 20)

Statement Against

Washington taxpayers deserve real property tax reform. Referendum 47 is phony tax reform. It's not targeted to homeowners, it's not a real tax cut and it's not fair to homeowners across the state. Referendum 47 is not the best the Legislature can do.

REFERENDUM 47 IS UNFAIR

Referendum 47 doesn't target property tax relief to working families or homeowners who need relief the most. Much of the tax relief will go to the same special interests that already have received millions of dollars in tax cuts the last few years. State property taxes on a \$100,000 home will be only \$13 less next year – and that's a lot less relief than owners of expensive homes will get. Homeowners in different counties – and even within the same county – will be treated differently.

REFERENDUM 47 DOESN'T GUARANTEE LOWER TAX BILLS

Don't be fooled. This doesn't guarantee lower taxes. Your home's assessed value will still increase and the property taxes you pay each year will still increase. At best, you will see slower increases, but your property tax bill will not be lower.

REJECT THE LEGISLATURE'S PHONY REFORM

Legislators could have asked you to vote on a real tax cut that targeted relief to homeowners, and put hundreds of dollars in the average homeowner's pockets in the next few years. Instead, they want you to vote for a plan that's unfair, doesn't cut your taxes, and gives breaks to special interests.

TELL THE LEGISLATURE TO DO BETTER

Vote **NO** on Referendum 47's phony property tax reform. Tell the Legislature you want real property tax reform and real tax cuts for working families.

Rebuttal of Statement For

Referendum 47 is phony reform. Real property tax reform means cutting taxes for working families. At best, Referendum 47 means slower growth in taxes, but no real cut in your tax bill.

Referendum 47 is not meaningful, fair, long-term property tax relief. Washington families deserve real tax cuts, not phony reform.

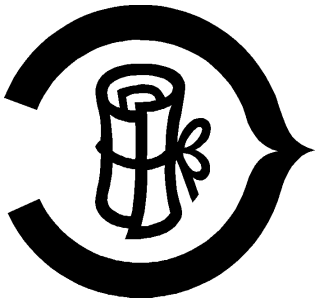
Tell the Legislature you want real property tax reform and real tax cuts for working families.

Vote **NO** on Referendum 47.

Voters Pamphlet Statement Prepared by:

VALORIA LOVELAND, State Senator; HANS DUNSHEE, State Representative.

Advisory Committee: DAVE WOOD, People for Fair Taxes; SCOTT NOBLE, King County Assessor.



HOUSE JOINT RESOLUTION 4208

PROPOSED CONSTITUTIONAL AMENDMENT

Vote cast by the 1997 Legislature on final passage:

Senate: Yeas, 40; Nays, 9.

House: Yeas, 94; Nays, 3; Excused, 1.

Official Ballot Title:

Shall the Constitution be amended to permit voter-approved school district levies to run for an optional four-year period, rather than the current two-year maximum?

Note: The ballot title and explanatory statement were written by the Attorney General as required by law. The complete text of House Joint Resolution 4208 begins on page 43.

Statement For

FOUR REASONS TO VOTE YES ON HOUSE JOINT RESOLUTION 4208

1. Expands local control

A YES vote would give local school districts the *option* of offering levies from one to four years. Voters in each school district have the final say. HJR 4208 does not change the 60% voter approval requirement.

2. Saves millions of taxpayer dollars that should be used in the classroom

Elections are expensive. School districts must pay for the cost of levy elections with public funds. Allowing school levies to be extended up to four years would save school districts millions of dollars statewide — money that should be redirected into the classroom.

3. Provides stability for schools, students and taxpayers

A four year levy option would provide greater stability for school districts to plan for a longer period of time. Removal of uncertainty caused by two-year election cycles would provide more efficient use of taxpayer money and allow continued support for students in the classroom.

4. Ensures planning into the 21st century

When the levy law was written into the constitution, there were fewer students and school budgeting was simple. Local parents could come together and in a few months create a new fully operating school. Today, there are almost one million students and school budgets and planning are extremely complex. School districts require better planning to meet educational needs. The two-year limit restricts planning and may sell some students short. Extending the levy option ensures that school districts can make optimum use of taxpayer money through better planning into the 21st century.

For more information, call (253) 520-9142.

Rebuttal of Statement Against

Voting "yes" gives you expanded options to increase local control and flexibility. Voting "no" means more frequent elections and increased election costs for taxpayers. Frequent elections do not result in more control or accountability. Frequent elections simply mean more elections. Voting "yes" allows you the final say for better long-range educational planning, stability, accountability and efficiency for your schools. And it saves money too!

Vote "yes" for our children's future! Vote for HJR 4208!

Voters Pamphlet Statement Prepared by:

MIKE WENSMAN, State Representative; BILL FINKBEINER, State Senator; JOHN STANFORD, Superintendent of Seattle Public Schools.

Advisory Committee: GARY LOCKE, Governor; RALPH MUNRO, Secretary of State; RICHARD SONSTELIE, President & Chief Executive Officer, Puget Sound Energy; JOHN WARNER, Senior Vice President, The Boeing Company; CAROL MOHLER, President, Washington State PTA.

The law as it now exists:

The Constitution generally limits property tax levies to a total of one percent of the true and fair value of property, considering the levies and all local taxing districts combined. One exception to this limit involves school district taxes. A school district may submit a proposition to the voters requesting authorization to exceed the one percent limit for school purposes. If the voters approve the proposition, the district can levy additional taxes for up to two years at a time without going back to the voters. Approval of these propositions requires that three-fifths of the votes cast be in favor of the proposition, and that the total number voting equal at least 40 percent of the number of votes cast in the last general election.

The effect of Constitutional Amendment 4208, if approved into law:

This measure would permit school districts to submit a proposition to the voters permitting a levy of additional taxes for up to four years at a time. Approval would require a “yes” vote from three-fifths of those voting, and the total number voting must be equal to 40 percent of the number of voters voting in the last preceding general election.

The proposed measure would also make a number of changes in the property tax article of the Constitution to remove obsolete words and phrases or to clarify grammar.

Statement Against

HJR 4208 MEANS LESS CONTROL OVER EDUCATION.

HJR 4208 would amend the Washington State Constitution to extend school levies. If it passes, you will vote on school funding packages every four years instead of every other year. This will significantly lessen your school district’s accountability to you, the people who are paying the bills.

FREQUENT ELECTIONS PROVIDE ACCOUNTABILITY.

The State Constitution should not be amended to diminish your input and authority over how your money is spent. With property taxes doubling every eight to nine years, constant taxpayer oversight is essential for efficiency and accountability.

HJR 4208 DECREASES LOCAL CONTROL.

Research tells us that parental involvement in a child’s education is the most important indicator of academic success. Yet parents have less input than ever, since the 1993 education reform bill gave an unelected commission exclusive power to restructure our schools. What we need is *more* input from you, the voters, taxpayers and parents, *not less*. With this in mind, do you believe HJR 4208 — *changing the state constitution to give you fewer occasions to vote on school issues* — will improve education and make your school district more accountable to *you*? No way.

A NO VOTE KEEPS YOU IN THE LOOP.

Vote to maintain your control over local schools. Your money is far less important to Washington students than your involvement as a parent and taxpayer. Remember, it’s *your* money, *your* schools, *your* children. Vote NO on HJR 4208.

For more information, call (509) 765-8164.

Rebuttal of Statement For

HJR 4208 *cannot* “expand local control.” Just the opposite. It will shelter districts from taxpayers. Levies are important, but local control is essential. *Your vote is the essence of local control.*

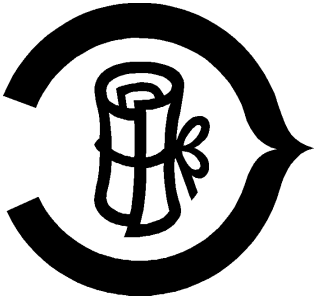
Excess levies were never intended to be a *guaranteed* source of revenue. By definition, they are *excess* levies.

The cost of voting is exaggerated. For a **\$20 MILLION** levy, a typical district might spend \$80,000 on the election. Relatively small price for local control.

Voters Pamphlet Statement Prepared by:

HAROLD HOCHSTATTER, State Senator; VAL STEVENS, State Senator; MARC BOLDT, State Representative.

Advisory Committee: ANN MURPHY, member, Federal Way School Board; LYNN HARSH; SARAH CASADA, Pierce County Councilwoman, former State Representative; PAUL O. SNYDER, President, Citizen Taxpayer Association; DAN EB, Executive Director, Washington Taxpayers Party.



HOUSE JOINT RESOLUTION 4209

PROPOSED CONSTITUTIONAL AMENDMENT

Vote cast by the 1997 Legislature on final passage:

Senate: Yeas, 46; Nays, 1; Excused 2.

House: Yeas, 97; Excused, 1.

Official Ballot Title:

Shall the Constitution be amended to permit local governments to make loans for the conservation or the more efficient use of stormwater or sewer services?

Note: The ballot title and explanatory statement were written by the Attorney General as required by law. The complete text of House Joint Resolution 4209 begins on page 44.

Statement For

Repairs or changes to a sewer hook-up or a stormwater system may be more than a homeowner or business can afford. If these repairs or changes could be made, however, the stormwater and sewer services provided by local governments could be improved and operated more cost-effectively. Resources could be conserved and pollution prevented without causing an increase in utility rates. Local governments may provide assistance to homeowners and businesses for energy or water efficiency, but this constitutional amendment is needed to allow them to provide the same kind of assistance regarding stormwater and sewers.

What kinds of improvements could be assisted? The addition of stormwater detention facilities that can reduce the flood surge faced by a collection or treatment system during a downpour. Improvements in the lines running from residences to a city's sewer collection line to keep groundwater from leaking into the system. Stormwater or sewer pre-treatment facilities that can dramatically improve the efficiency or effective capacity of collection or treatment systems. Water conservation activities conducted in cooperation with other conservation programs or in areas where assistance for such a program is not now available.

These are just some examples of activities that cannot only improve water quality and the environment, but also reduce the need for more sewer system collection and treatment capacity. Please **VOTE FOR HJR 4209** to help individuals and businesses make these improvements.

Voters Pamphlet Statement Prepared by:

GARY CHANDLER, State Representative.

The law as it now exists:

The State Constitution generally prohibits local governments from making loans of public funds to private persons. In 1979, the voters approved Amendment 70 to the Constitution, permitting loans to private parties for residential energy conservation. This section of the Constitution was amended again in 1988 and in 1989. It currently permits cities, towns, and other local governments who are engaged in the sale or distribution of water or energy to use public funds to assist the owners of structures and equipment to finance the acquisition and installation of materials and equipment, where the purpose is conservation or more efficient use of water or energy.

The effect of Constitutional Amendment 4209, if approved into law:

If adopted, the measure would add stormwater and sewer services to the list of permissible purposes for which a local government could make loans to owners of structures and equipment.

PLEASE NOTE

In the text of the following measures all words in double parentheses with a line through them are in State law and will be taken out if the measure is adopted. Underlined words do not appear in State law but will be put in if the measure is adopted.

To obtain a copy of the text of the proposed measures in larger print, call the Secretary of State's toll-free hotline--1-800-448-4881.

Statement Against

State law requires that the argument and rebuttal statement against a constitutional amendment be written by one or more members of the state Legislature who voted against that proposed measure on final passage or, in the event that no such member of the Legislature consents to prepare the statement, by any other responsible individual or individuals to be appointed by the Speaker of the House of Representatives, the President of the State Senate, and the Secretary of State. No legislator who voted against House Joint Resolution 4209 or other individual opposing the measure consented to write an argument against the measure for publication in this pamphlet.



INITIATIVE MEASURE 673 (continued from page 5)

The effect of Initiative Measure 673, if approved into law (continued):

Each health plan would be required to permit every individual doctor (defined by the measure to include doctors of medicine, pharmacy, psychology, osteopathic medicine and surgery, chiropractic, podiatric medicine and surgery, naturopathy, and optometry) and nurse practitioner to provide services or care under the plan, if (1) such services or care is within the health care provider's scope of practice; (2) the provider agrees to abide by standards of cost effective and medically effective health services and to reviews designed to contain costs and promote efficient management; and (3) the plan covers the condition or provides the services.

The insurance commissioner would be directed to adopt rules to implement the new measure.



INITIATIVE MEASURE 676 (continued from page 7)

The effect of Initiative Measure 676, if approved into law (continued):

Current holders of concealed pistol licenses would have to obtain handgun safety licenses when their pistol licenses expires, is renewed or revoked, or January 1, 2004, whichever comes first. The training requirement would be waived for certain law enforcement officers or for persons with military training on the safe operation, handling, and storage of handguns.

The department of licensing would be authorized to adopt rules to implement the measure. The department could authorize private instructors to provide the handgun safety course. The department could authorize county and city law enforcement agencies to accept handgun safety license applications and process renewals for the department.

Any handgun possessed or controlled in violation of this act is contraband and shall immediately be taken into custody by law enforcement. However, it is an absolute defense to forfeiture if a person has or obtains a handgun safety license within sixty days of notice of forfeiture.

The following would be exempt from the handgun safety license requirement: persons who are in law enforcement or in the armed forces and who are required to possess a handgun in connection with their official duties; persons under the direct supervision of a licensed or exempt individual who are using a handgun as part of handgun safety training, or for target shooting at a business where such activity is authorized; persons temporarily handling a firearm in the presence of a dealer for the purpose of considering purchase; and persons temporarily possessing a handgun in an emergency involving lawful defense of self, others, or property.



INITIATIVE MEASURE 678 (continued from page 11)

The effect of Initiative Measure 678, if approved into law (continued):

by law except administering nitrous oxide and placing and carving restorations. To obtain the enhanced practice endorsement, a hygienist would have to practice for at least five years under the supervision of a licensed dentist, must establish health care provider referral protocols, and must have training in cardiopulmonary resuscitation and basic life support.

Dental hygienists who have practiced for five years under the current law would be eligible for an enhanced practice certificate upon application if the measure is approved.

Dental hygienists would still be prohibited from: performing oral surgery (except soft tissue curettage and restorative procedures); prescribing drugs (except that the dental hygiene quality assurance commission could approve appropriate drugs which dental hygienists could purchase and apply in performing dental hygiene services); diagnosis for dental treatment or treatment planning; and taking impressions (except for home therapy purposes).



INITIATIVE MEASURE 685 (continued from page 13)

The effect of Initiative Measure 685, if approved into law (continued):

Any person convicted of personal possession or use of controlled substances after the measure is enacted would be eligible for probation. The sentencing judge could require appropriate drug treatment or education. A person convicted three times of personal possession or use of a controlled substance would not be eligible for probation.

A commission on drug education and prevention, including members who are parents, would be created, to be appointed by the Governor. The commission would fund education on alcohol and controlled substances, substance abuse, and enhanced parental involvement. Six million dollars per year would be transferred from the state general fund to a new drug treatment and education fund, to be used by the department of corrections to implement the parole provisions of the measure, by county probation departments for drug treatment and education programs, and by the commission on drug education and prevention.



REFERENDUM BILL 47 (continued from page 15)

The effect of Referendum Bill 47, if approved into law (continued):

The 106 percent limitation on levy increases would be adjusted downward in some cases. For taxing districts with a population of less than ten thousand, the limit would remain 106 percent. For all other taxing districts, the limit would be the most recent twelve-month "inflation" rate published by the federal department of commerce in the year before the taxes are payable, but never more than 106 percent. The legislative authority of any taxing district could, by a special majority, establish a different limitation upon a finding of "substantial need," but could never set a limit more than 106 percent. As with current law, any taxing district could exceed its levy limit after obtaining voter approval of a specific proposition.

The state levy for 1998 would be reduced by 4.7187 percent of the amount that otherwise would be allowed.



COMPLETE TEXT OF Initiative Measure 673

AN ACT Relating to health plans; and adding a new section to chapter 48.43 RCW.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. A new section is added to chapter 48.43 RCW to read as follows:

Every health plan delivered, issued for delivery, or renewed by a health carrier on and after July 1, 1998:

(1) May include managed care or other management or administrative provisions only to assure effective and efficient delivery of health care services. Such provisions must ensure that people changing health plans or employment will not be required to change doctors or nurse practitioners as defined in subsection (3) below. Managed care or similar provisions may not discriminate against any provider or type of provider included in the plan and must be written and applied on a substantially fair and uniform basis among all health care providers included in the plan;

(2) Must disclose such information about the plan as the insurance commissioner provides by rule. Such information must include the percentages of premium and investment income attributable to salaries and administration, to profits, and to direct provision of health care services, and must include any requirements or agreements between the plan and providers that restrict access or referral to other providers or otherwise limit the provision of health care services;

(3)(a) Must permit every individual doctor and nurse practitioner, as defined in (b) of this subsection, to provide health services or care for conditions to the extent that:

(i) The provision of such health services or care is within the doctor's or nurse practitioner's respective scope of practice;

(ii) The doctor or nurse practitioner agrees to abide by standards related to provision of cost-effective and clinically efficacious health services and to utilization review, cost containment, and efficient management procedures; and

(iii) The plan covers the condition or provides the service.

(b) For purpose of this section, the term "doctor" means doctor of medicine licensed under chapter 18.71 RCW, doctor of pharmacy or pharmacist licensed under chapter 18.64 RCW, doctor of psychology licensed under chapter 18.83 RCW, doctor of osteopathic medicine and surgery licensed under chapter 18.57 RCW, doctor of chiropractic licensed under chapter 18.25 RCW, doctor of podiatric medicine and surgery licensed under chapter 18.22 RCW, doctor of naturopathy licensed under chapter 18.36A RCW, and doctor of optometry licensed under chapter 18.53 RCW. "Nurse practitioner" means a nurse practitioner licensed under chapter 18.79 RCW. This subsection (3) does not apply to a health plan to the extent that it directly employs doctors or nurse practitioners.

The insurance commissioner shall adopt rules to implement this section.



COMPLETE TEXT OF Initiative Measure 676

AN ACT Relating to handgun safety; amending RCW 9.41.047, 9.41.0975, 9.41.094, 9.41.097, 9.41.129, and 9.41.800; adding a new chapter to Title 9 RCW; creating a new section; prescribing penalties; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. The sovereign people of the state of Washington declare that:

(1) Handguns are a leading cause of death and serious injury. In recent years more people have been murdered by handguns in Washington state (population 5.5 million) than in the entire countries of Canada (population 26.9 million) and Great Britain (population 57.5 million) combined.

(2) As a result of unsafe use or storage of handguns, children frequently are killed or wounded, either through criminal violence, accidents, or suicide. Nationally, more than five thousand children under the age of nineteen are killed or wounded each year by handguns. Many of these child victims died in Washington state.

(3) The injury and death caused by the unsafe storage and use of handguns constitutes a direct threat to the public health and safety of the citizens of Washington state.

(4) The great majority of firearms deaths resulting from homicide, accident, and suicide are caused by handguns and not rifles or shotguns.

(5) A handgun, like an automobile, is extremely dangerous when used by a person without proper training in its safe operation, handling, and storage.

(6) Requiring that each handgun user obtain a handgun safety license is a reasonable means for the public to protect itself from the unlawful and unsafe use and storage of these firearms.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Handgun" means a pistol, as defined in RCW 9.41.010, except a pistol that has been permanently disabled so that it cannot fire a projectile, or an antique firearm as defined in RCW 9.41.010(8).

(2) "Trigger-locking device" means any device, mechanism, or container that prevents the discharge of the handgun unless the device or mechanism is deactivated, removed, or opened by use of a key, security code, or other means that effectively limits the operation of the handgun to persons permitted to use the handgun.

(3) The definitions of "firearm," "pistol," "antique firearm," "dealer," "law enforcement officer," and other definitions in RCW 9.41.010 apply throughout this chapter unless the context clearly requires otherwise.

NEW SECTION. Sec. 3. Notwithstanding any other provisions of law, it is unlawful within the state of Washington for any person, corporation, or entity knowingly to sell, deliver, loan, or otherwise transfer a handgun to any person, including an individual taking possession of a handgun as an employee



COMPLETE TEXT OF Initiative Measure 676 (continued)

or agent of another person, unless the handgun is equipped with an operable trigger-locking device; and

(1) As to any dealer, in addition to complying with all applicable requirements of RCW 9.41.090, the dealer has verified that the transferee possesses a valid handgun safety license by: (a) Examining the handgun safety license; and (b) examining a valid driver's license or identification card containing a photograph of the transferee issued by a state or the United States. The dealer's signature and delivery of the application for the purchase of a pistol under RCW 9.41.090 constitutes certification that the dealer has verified that the transferee possesses a valid handgun safety license; and

(2) As to any transferor other than a dealer, the transferor has verified that the transferee possesses a valid handgun safety license by: (a) Examining the handgun safety license, (b) examining a valid driver's license or identification card containing a photograph of the transferee issued by a state or the United States, and (c) attesting on a form prepared by the department of licensing that the previous conditions have been satisfied, and mailing or otherwise delivering this form to the department of licensing within three business days of the transfer. The form shall identify the transferor and transferee and the handgun safety license number of the transferee.

NEW SECTION. Sec. 4. (1) Notwithstanding any other provision of law, it is unlawful within the state of Washington for any person knowingly to possess or control a handgun unless the person possesses a valid handgun safety license.

(2) The following are affirmative defenses under this section:

(a) The person possessed a valid handgun safety license within the preceding two years and has not become ineligible for a handgun safety license in the interim;

(b) At the time of the violation, the person was not a resident of the state of Washington, was eighteen years of age or older, and was carrying the handgun in compliance with RCW 9.41.050 (1) through (3), (4) (a) through (i) and (k) through (n), and (5) through (7); or

(c) At the time of the violation, the person was a resident of the state of Washington and had been a resident for less than sixty days.

NEW SECTION. Sec. 5. A person, corporation, or entity who knowingly violates section 3 of this act is guilty of a misdemeanor upon conviction of the first offense, and of a class C felony upon conviction of any subsequent offense. A person who knowingly violates section 4 of this act is guilty of a class 2 civil infraction upon being found to have committed a first offense, of a misdemeanor upon conviction of a second offense, and of a class C felony upon conviction of any subsequent offense. For purposes of this section, all offenses occurring in a single incident are considered a single offense.

NEW SECTION. Sec. 6. Any handgun possessed or controlled in violation of section 4 of this act is contraband and shall be immediately taken into custody by a law enforcement officer. Any such contraband handgun shall be forfeited under the provisions of RCW 9.41.098. However, it is an absolute defense to forfeiture under this section that the owner of the handgun currently has a valid handgun safety license, or obtains or renews a handgun safety license within sixty days

of the date of receipt of notice of the intended forfeiture. Nothing in this chapter is intended to abrogate the rights of privacy protected by Article I, section 7 of the state Constitution or the Fourth Amendment to the Constitution of the United States.

NEW SECTION. Sec. 7. As used in this act, the term "handgun safety license" means a license issued under the provisions of section 8 of this act, containing at a minimum the licensee's name, address, date of birth, physical description, and unique license number. The department of licensing may authorize the issuance of a license combining a handgun safety license with a concealed pistol license.

NEW SECTION. Sec. 8. (1) The department of licensing, or any agency designated by it under section 12 of this act, shall issue or renew a handgun safety license valid for a period of five years, if the issuing agency determines that the applicant:

(a) Is at least eighteen years of age;

(b) Has been issued a handgun safety certificate or has previously been issued a handgun safety license;

(c) Is not prohibited from possessing or receiving a handgun under federal or state law, based upon a check of records as provided by RCW 9.41.090(2); and

(d) Has paid the fee provided by section 12 of this act.

(2) Unless the applicant for a handgun safety license is also applying for a concealed pistol license, the applicant is not required to provide fingerprints in connection with the application process.

(3) A person who knowingly makes a false statement on an application for a handgun safety license is guilty of false swearing under RCW 9A.72.040.

NEW SECTION. Sec. 9. (1) A handgun safety license shall be revoked by the issuing agency, or by order of a judge of a court of record, if the agency or judge determines that the holder of the license is prohibited from possessing or receiving a handgun under federal or state law.

(2) The holder of a handgun safety license that is revoked shall return the license to the issuing agency or clerk of the court within ten days after receipt of notice of the revocation, or an earlier date as may be required by the court.

(3) A person who knowingly fails to return a revoked handgun safety license as required by this section is guilty of a misdemeanor.

(4) A person who knowingly possesses a handgun in violation of section 4 of this act, after receiving notice of the revocation of his or her handgun safety license, is guilty of a class C felony.

NEW SECTION. Sec. 10. (1) As used in this chapter, the term "handgun safety certificate" means a certificate that is issued by the department of licensing or its designee upon determination that the applicant:

(a) Has passed a course, approved by the department of licensing, of not less than eight hours of instruction in the safe operation, handling, and storage of handguns; or

(b) Has passed an examination, approved by the department of licensing, establishing a level of knowledge and skill regarding the safe operation, handling, and storage of handguns that is at least equivalent to that provided by the courses approved under (a) of this subsection; or

(c) Has received training in this state or in another state, or in the armed forces of the United States, that the department of licensing determines to establish a level of knowledge and skill regarding the safe operation, handling, and storage of handguns that is at least equivalent to that provided by the courses approved under (a) of this subsection; or



**COMPLETE TEXT OF
Initiative Measure 676
(continued)**

(d) Has received training as an armed private detective, armed security guard, or law enforcement officer that the department of licensing determines to establish a level of knowledge and skill regarding the safe operation, handling, and storage of handguns that is at least equivalent to that provided by the courses approved under (a) of this subsection.

(2) The handgun safety courses and examinations provided for in subsection (1)(a) and (b) of this section shall not be conducted at any facility that is used for the administration of driver's licensing examinations.

(3) The department of licensing may authorize designated law enforcement agencies and private parties to offer and administer the handgun safety courses and examinations provided for in subsection (1)(a) and (b) of this section.

(4) In designing or approving the handgun safety courses and licensing examinations provided for in this section, the department of licensing may consult with organizations concerned with promoting gun safety, law enforcement agencies, and the armed forces of the United States.

NEW SECTION. Sec. 11. A handgun safety license is not a concealed pistol license and possession of a handgun safety license is not a defense to a prosecution for violation of federal law or state law, except for the defenses to state law as specifically set forth in this chapter.

NEW SECTION. Sec. 12. (1) The department of licensing shall establish rules and procedures as are necessary for the implementation and enforcement of this act, including rules and procedures for the courses of not less than eight hours of instruction and examinations provided for in section 10 of this act to ensure that persons are properly trained in the safe operation, handling, and storage of handguns.

(2) The department of licensing may designate the chief of police of a municipality or the sheriff of a county as an agency for accepting and processing applications for handgun safety licenses and issuing and renewing handgun safety licenses on behalf of the department of licensing under this chapter.

(3) The department of licensing is authorized to set fees for the issuance and renewal of handgun safety licenses; these fees to be deposited into the handgun safety account established under section 16 of this act. However, the fee for issuance or renewal of a handgun safety license alone shall not exceed twenty-five dollars, which shall be distributed as follows:

(a) Fifteen dollars to the issuing authority; and

(b) The remainder to the department of licensing or its designee for expenses incurred in the administration and enforcement of this act.

(4) In cases where an applicant simultaneously is applying for issuance or renewal of both a concealed pistol license and a handgun safety license, no fee shall be charged for the handgun safety license so long as the applicant pays the fee required by law for issuance or renewal of the concealed pistol license.

NEW SECTION. Sec. 13. A handgun safety license shall be issued in triplicate. The original thereof shall be issued to the licensee; the duplicate shall within seven days be sent

to the director of licensing, if the original was issued by a designee of the department of licensing; and the triplicate shall be preserved for six years by the authority issuing the license. The department of licensing shall make available to law enforcement and corrections agencies, in an on-line format, all information received under this section.

NEW SECTION. Sec. 14. (1) This chapter does not apply to the United States or a department or agency of the United States, or a state, or a department, agency, or political subdivision of the state.

(2) Sections 4 and 6 of this act do not apply to:

(a) A law enforcement officer or member of the armed forces of the United States or the national guard or the organized reserves who is required to possess a handgun in connection with his or her official duties;

(b) A person handling or using a handgun under the immediate supervision of an individual with a valid Washington handgun safety license or of an individual who is exempt under this chapter, provided that the person is:

(i) Using the handgun as part of training at a handgun safety course;

(ii) Using the handgun for target shooting or for lawful organized competition at an established location at which such shooting or competition is authorized by the governing body of the jurisdiction; or

(iii) Temporarily handling the handgun, which is unloaded, in the presence of a dealer for the purpose of considering purchase of the handgun;

(c) A person temporarily possessing a handgun during an emergency in which the person is exercising his or her rights under RCW 9A.16.020(3) or 9A.16.110(1); or

(d) A person who possesses a valid Washington concealed pistol license as of the effective date of this act, until such concealed pistol license expires, is renewed or revoked, or January 1, 2004, whichever comes first.

NEW SECTION. Sec. 15. As soon as practicable, and no later than July 1, 1998, the department of licensing shall commence a public awareness and educational program regarding the provisions and requirements of this act.

NEW SECTION. Sec. 16. The handgun safety account is created in the custody of the state treasurer. All receipts from section 12 of this act must be deposited into the account. Expenditures from the account may be used only for costs incurred by the department of licensing or its designee in the administration and enforcement of this act. Only the director of the department of licensing or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 17. RCW 9.41.047 and 1996 c 295 s 3 are each amended to read as follows:

(1) At the time a person is convicted of an offense making the person ineligible to possess a firearm, or at the time a person is committed by court order under RCW 71.05.320, 71.34.090, or chapter 10.77 RCW for mental health treatment, the convicting or committing court shall notify the person, orally and in writing, that the person must immediately surrender any handgun safety license and concealed pistol license and that the person may not possess a firearm unless his or her right to do so is restored by a court of record.

The convicting or committing court also shall forward a copy of the person's driver's license or identicard, or comparable information, to the department of licensing, along with the date of conviction or commitment.



COMPLETE TEXT OF Initiative Measure 676 (continued)

(2) Upon receipt of the information provided for by subsection (1) of this section, the department of licensing shall determine if the convicted or committed person has a handgun safety license or a concealed pistol license. If the person does have a handgun safety license or a concealed pistol license, the department of licensing shall immediately notify the license-issuing authority which, upon receipt of such notification, shall immediately revoke the license or licenses.

(3)(a) A person who is prohibited from possessing a firearm, by reason of having been involuntarily committed for mental health treatment under RCW 71.05.320, 71.34.090, chapter 10.77 RCW, or equivalent statutes of another jurisdiction may, upon discharge, petition a court of record to have his or her right to possess a firearm restored. At the time of commitment, the court shall specifically state to the person that he or she is barred from possession of firearms.

(b) The secretary of social and health services shall develop appropriate rules to create an approval process under this subsection. The rules must provide for the restoration of the right to possess a firearm upon a showing in a court of competent jurisdiction that the person is no longer required to participate in an inpatient or outpatient treatment program, is no longer required to take medication to treat any condition related to the commitment, and does not present a substantial danger to himself or herself, others, or the public. Unlawful possession of a firearm under this subsection shall be punished as a class C felony under chapter 9A.20 RCW.

(c) A person petitioning the court under this subsection (3) shall bear the burden of proving by a preponderance of the evidence that the circumstances resulting in the commitment no longer exist and are not reasonably likely to recur.

Sec. 18. RCW 9.41.0975 and 1996 c 295 s 9 are each amended to read as follows:

(1) The state, local governmental entities, any public or private agency, and the employees of any state or local governmental entity or public or private agency, acting in good faith, are immune from liability:

(a) For failure to prevent the sale or transfer of a firearm to a person whose receipt or possession of the firearm is unlawful;

(b) For preventing the sale or transfer of a firearm to a person who may lawfully receive or possess a firearm;

(c) For issuing a handgun safety license or a concealed pistol license to a person ineligible for such a license;

(d) For failing to issue a handgun safety license or a concealed pistol license to a person eligible for such a license;

(e) For revoking or failing to revoke an issued handgun safety license or concealed pistol license;

(f) For errors in preparing or transmitting information as part of determining a person's eligibility to receive or possess a firearm, or eligibility for a handgun safety license or a concealed pistol license;

(g) For issuing a dealer's license to a person ineligible for such a license; or

(h) For failing to issue a dealer's license to a person eligible for such a license.

(2) An application may be made to a court of competent jurisdiction for a writ of mandamus:

(a) Directing an issuing agency to issue a handgun safety

license or a concealed pistol license wrongfully refused;

(b) Directing a law enforcement agency to approve an application to purchase wrongfully denied;

(c) Directing that erroneous information resulting either in the wrongful refusal to issue a handgun safety license or a concealed pistol license or in the wrongful denial of a purchase application be corrected; or

(d) Directing a law enforcement agency to approve a dealer's license wrongfully denied.

The application for the writ may be made in the county in which the application for a handgun safety license, concealed pistol license, or to purchase a pistol was made, or in Thurston county, at the discretion of the petitioner. A court shall provide an expedited hearing for an application brought under this subsection (2) for a writ of mandamus. A person granted a writ of mandamus under this subsection (2) shall be awarded reasonable attorneys' fees and costs.

Sec. 19. RCW 9.41.094 and 1994 sp.s. c 7 s 411 are each amended to read as follows:

A signed application to purchase a pistol or to obtain a handgun safety license shall constitute a waiver of confidentiality and written request that the department of social and health services, mental health institutions, and other health care facilities release, to an inquiring court or law enforcement agency, information relevant to the applicant's eligibility to purchase a pistol ~~((to an inquiring court))~~ or ~~((law enforcement agency))~~ to obtain a handgun safety license.

Sec. 20. RCW 9.41.097 and 1994 sp.s. c 7 s 412 are each amended to read as follows:

(1) The department of social and health services, mental health institutions, and other health care facilities shall, upon request of a court or law enforcement agency, supply such relevant information as is necessary to determine the eligibility of a person to possess a pistol or to be issued a handgun safety license under chapter 9, --- RCW (sections 2 through 16 and 24 of this act), a concealed pistol license under RCW 9.41.070, or to purchase a pistol under RCW 9.41.090.

(2) Mental health information received by: (a) The department of licensing pursuant to RCW 9.41.047 or 9.41.170; (b) an issuing authority pursuant to RCW 9.41.047 ~~((or)),~~ 9.41.070, or section 8 of this act; (c) a chief of police or sheriff pursuant to RCW 9.41.090 ~~((or)),~~ 9.41.170, or section 8 of this act; (d) a court or law enforcement agency pursuant to subsection (1) of this section, shall not be disclosed except as provided in RCW 42.17.318.

Sec. 21. RCW 9.41.129 and 1994 sp.s. c 7 s 417 are each amended to read as follows:

The department of licensing may keep copies or records of applications for handgun safety licenses provided for under section 7 of this act or concealed pistol licenses provided for in RCW 9.41.070, copies or records of applications for alien firearm licenses, copies or records of applications to purchase pistols provided for in RCW 9.41.090, and copies or records of pistol transfers provided for in RCW 9.41.110. The copies and records shall not be disclosed except as provided in RCW 42.17.318.

Sec. 22. RCW 9.41.800 and 1996 c 295 s 14 are each amended to read as follows:

(1) Any court when entering an order authorized under RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.26.137, 26.50.060, or 26.50.070 shall, upon a showing by clear and convincing evidence, that a party has: Used, displayed, or



COMPLETE TEXT OF Initiative Measure 676 (continued)

threatened to use a firearm or other dangerous weapon in a felony, or previously committed any offense that makes him or her ineligible to possess a firearm under the provisions of RCW 9.41.040:

(a) Require the party to surrender any firearm or other dangerous weapon;

(b) Require the party to surrender any concealed pistol license issued under RCW 9.41.070;

(c) Require the party to surrender any handgun safety license issued under section 8 of this act;

(d) Prohibit the party from obtaining or possessing a firearm or other dangerous weapon;

~~((d))~~ (e) Prohibit the party from obtaining or possessing a concealed pistol license; or

(f) Prohibit the party from obtaining or possessing a handgun safety license.

(2) Any court when entering an order authorized under RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.26.137, 26.50.060, or 26.50.070 may, upon a showing by a preponderance of the evidence but not by clear and convincing evidence, that a party has: Used, displayed, or threatened to use a firearm or other dangerous weapon in a felony, or previously committed any offense that makes him or her ineligible to possess a pistol under the provisions of RCW 9.41.040:

(a) Require the party to surrender any firearm or other dangerous weapon;

(b) Require the party to surrender a concealed pistol license issued under RCW 9.41.070;

(c) Require the party to surrender any handgun safety license issued under section 8 of this act;

(d) Prohibit the party from obtaining or possessing a firearm or other dangerous weapon;

~~((d))~~ (e) Prohibit the party from obtaining or possessing a concealed pistol license; or

(f) Prohibit the party from obtaining or possessing a handgun safety license.

(3) The court may order temporary surrender of a firearm or other dangerous weapon without notice to the other party if it finds, on the basis of the moving affidavit or other evidence, that irreparable injury could result if an order is not issued until the time for response has elapsed.

(4) In addition to the provisions of subsections (1), (2), and (3) of this section, the court may enter an order requiring a party to comply with the provisions in subsection (1) of this section if it finds that the possession of a firearm or other dangerous weapon by any party presents a serious and imminent threat to public health or safety, or to the health or safety of any individual.

(5) The requirements of subsections (1), (2), and (4) of this section may be for a period of time less than the duration of the order.

(6) The court may require the party to surrender any firearm or other dangerous weapon in his or her immediate possession or control or subject to his or her immediate possession or control to the sheriff of the county having jurisdiction of the proceeding, the chief of police of the municipality having jurisdiction, or to the restrained or enjoined party's counsel or to any person designated by the court.

NEW SECTION. Sec. 23. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately, except sections 3 through 6 of this act take effect January 1, 1999.

NEW SECTION. Sec. 24. This chapter may be known and cited as the Handgun Safety Act.

NEW SECTION. Sec. 25. Sections 2 through 16 and 24 of this act constitute a new chapter in Title 9 RCW.

NEW SECTION. Sec. 26. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.



COMPLETE TEXT OF Initiative Measure 677

AN ACT Relating to prohibiting unfair employment practices on the basis of sexual orientation; not requiring partner benefits or preferential treatment and exempting religious organizations and small business; adding new sections to chapter 49.60 RCW; and creating new sections.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. SHORT TITLE. This Act may be known and cited as the Employment NonDiscrimination Act of Washington.

NEW SECTION. Sec. 2. FINDINGS. The People of the State of Washington find that:

(1) Under Washington state and federal statutes, people are not currently protected from employment discrimination based on sexual orientation; and

(2) Because a person's sexual orientation bears no relationship to one's qualifications or ability to perform one's job, employers, employment agencies, or labor organizations should not base employment opportunities, employment decisions or union membership or membership privileges on a person's sexual orientation.

NEW SECTION. Sec. 3. UNFAIR PRACTICES PROHIBITED.

(1) It is a prohibited unfair practice for an employer, employment agency or labor organization, in connection with employment opportunities, employment decisions, membership, or membership privileges, to discriminate against a person on the basis of sexual orientation.

(2) It is a prohibited unfair practice for an employer, employment agency, labor organization, or person to interfere with any person in the exercise of any right protected by this act or to discharge, expel, or otherwise retaliate or discriminate against a person because he or she opposed any practice prohibited by this act or assisted in an action brought under it.

NEW SECTION. Sec. 4. PARTNER BENEFITS OR PREFERENTIAL TREATMENT NOT REQUIRED--REGULATION OF WORKPLACE CONDUCT NOT PROHIBITED.

(1) Nothing in this act requires an employer,



COMPLETE TEXT OF Initiative Measure 677 (continued)

employment agency or labor organization to provide benefits to an employee's partner.

(2) Nothing in this act requires an employer, employment agency, or labor organization to give preferential treatment to any person on the basis of his or her sexual orientation.

(3) Nothing in this act prohibits an employer from regulating the workplace conduct of employees covered by this act in the same manner it regulates the conduct of all employees.

NEW SECTION. Sec. 5. NON-PROFIT RELIGIOUS ORGANIZATIONS AND SMALL BUSINESS EXEMPT.

(1) This act does not apply to religious or sectarian organizations not organized for private profit.

(2) This act does not apply to employers who employ less than eight employees.

NEW SECTION. Sec. 6. REMEDIES--ENFORCEMENT STANDARDS.

(1) Any person deeming himself or herself injured by any act or omission in violation of this act shall have a civil action in a court of competent jurisdiction to enjoin further violations and to recover the compensatory damages, including emotional distress, if any, sustained by such person, together with the costs of suit, including reasonable attorney's fees and costs and expert fees and costs.

(2) This act is supplemental to and does not invalidate or limit the rights, remedies, or procedures available to an individual claiming unfair practices or discrimination. Superior courts of the state of Washington shall have the same jurisdiction and powers to enforce this act as such courts have to enforce this chapter. For the purposes of determining whether an unfair practice under this act has occurred, claims of employment discrimination based on sexual orientation shall be evaluated in the same manner as other claims of employment discrimination under Chpt. 49.60.030(1)(a), 49.60.180, 49.60.190, and 49.60.210 RCW.

(3) The state of Washington and other political or municipal subdivision are not immune from an action in a court of competent jurisdiction for a violation of this act, and such entities shall be subject to the same standards and relief as any other entity.

NEW SECTION. Sec. 7. DEFINITIONS. As used in this act:

(1) The terms "employer," "employment agency," "labor organization," "employee," and "person" are defined in RCW 49.60.040.

(2) The term "sexual orientation" means heterosexual, lesbian, gay, or bisexual orientation, real or perceived, or having a self-image or orientation not traditionally associated with one's biological gender, real or perceived.

NEW SECTION. Sec. 8. SEVERABILITY--CONSTRUCTION CLAUSE.

(1) If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

(2) The provisions of this act are to be liberally construed

to effectuate the policies and purposes of this act.

NEW SECTION. Sec. 9. Sections 1 through 8 of this act are each added to chapter 49.60 RCW.



COMPLETE TEXT OF Initiative Measure 678

AN ACT Relating to dental hygienists; amending RCW 18.29.050, 18.29.021, 18.29.045, 18.29.060, 18.29.120, 18.29.130, 18.29.140, 18.29.150, 18.29.160, 18.29.180, and 18.29.210; adding new sections to chapter 18.29 RCW; creating a new section; repealing RCW 18.29.110; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. The purpose of this act is to expand access to licensed dental hygienists so that Washington state residents may select dental hygiene services for themselves and their families. It is the intent that this act provide for the protection of the public's health and safety by establishing qualifications for dental hygiene practitioners.

NEW SECTION. Sec. 2. A new section is added to chapter 18.29 RCW to read as follows:

There is created a dental hygiene quality assurance commission, consisting of three practicing dental hygienists and one public member, appointed by the governor. Dental hygienist members must be licensed dental hygienists in the active practice of dental hygiene in Washington state for a period of no less than five years before appointment, and shall not be connected with any dental hygiene education program. The public members shall not be connected with any dental hygiene education program or engaged in any practice or business related to dental hygiene. Members of the commission shall be appointed by the governor to prepare and conduct examinations for dental hygiene licensure, and to conduct regulatory disciplinary procedures in compliance with chapter 18.130 RCW.

Members shall be appointed to serve for terms of four years from October 1st of the year in which they are appointed. Terms of the members shall be staggered. No member may serve more than two consecutive full terms. Members of the commission hold office until their successors are appointed and qualified. Any member of the commission may be removed by the governor for neglect of duty, misconduct, malfeasance, or misfeasance in office, after being given a written statement of the charges and sufficient opportunity to be heard thereon. Members of the commission shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

Sec. 3. RCW 18.29.050 and 1971 ex.s. c 235 s 1 are each amended to read as follows:

Dental hygiene is defined as a licensed profession that specializes in the maintenance of oral health and the education of the public in the prevention of oral disease. A dental hygienist is defined as a preventive oral health professional who has graduated from an accredited dental hygiene program in an institution of higher education, is licensed in dental hygiene, and who provides educational, clinical, research, administra-



COMPLETE TEXT OF Initiative Measure 678 (continued)

tive, and therapeutic services supporting total health through the promotion of optimal oral health.

~~(1) Any person licensed as a dental hygienist in this state may ((remove deposits and stains from the surfaces of the teeth, may apply topical preventive or prophylactic agents, may polish and smooth restorations, may perform root planing and soft-tissue curettage, and may perform other dental operations and services delegated to them by a licensed dentist: PROVIDED HOWEVER, That licensed dental hygienists shall in no event perform the following dental operations or services:~~

(1)) perform oral prophylaxis to include removal of calculus, soft deposits, plaque, stains, and the smoothing of surfaces of the teeth, defined in RCW 18.29.005. A licensed dental hygienist may perform root planing and soft tissue curettage, may administer local anesthetic and nitrous oxide, may apply topical therapeutic and preventive agents including sealants, may place and carve restorations, and may perform other dental hygiene services such as educational, clinical, preventive, and therapeutic services designed to promote oral health. The foregoing procedures and services may only be performed under the supervision of a licensed dentist.

(2) Dental hygienists shall not perform the following dental services or dental procedures:

(a) Any ((surgical)) removal of or addition to the hard or soft tissue of the oral cavity, except soft tissue curettage and restorative procedures included in this chapter;

((2)) (b) Any prescription of drugs or medications requiring the written order or prescription of a licensed dentist or physician. However, a licensed dental hygienist may purchase and administer appropriate drugs for therapeutic and preventive dental hygiene services;

((3)) (c) Any diagnosis for dental treatment or dental treatment planning; or

((4)) (d) The taking of any impression of the teeth or jaw, or the relationships of the teeth or jaws, for the purpose of fabricating any intra-oral restoration, appliance, or prosthesis, except for preventive home therapy purposes.

~~((Such licensed dental hygienists may perform dental operations and services only under the supervision of a licensed dentist, and under such supervision may be employed by hospitals, boards of education of public or private schools, county boards, boards of health, or public or charitable institutions, or in dental offices: PROVIDED, That the number of hygienists so employed in any dental office shall not exceed twice in number the licensed dentists practicing therein:))~~

NEW SECTION. Sec. 4. A new section is added to chapter 18.29 RCW to read as follows:

Licensed dental hygienists may perform services under this chapter unsupervised after obtaining an enhanced practice endorsement from the dental hygiene quality assurance commission, with the exception of nitrous oxide administration and the placing and carving of restorations. To obtain an enhanced practice endorsement, a dental hygienist must provide the dental hygiene quality assurance commission satisfactory evidence of: (1) Having established health care provider referral protocols, including emergency, dentist, and general health care provider referrals, and patient record protocols; (2) having practiced for at least five

years under the supervision of a licensed dentist or a licensed dental hygienist qualified under RCW 18.29.050 or section 5 of this act; and (3) maintaining certification in cardiopulmonary resuscitation and basic life support.

NEW SECTION. Sec. 5. A new section is added to chapter 18.29 RCW to read as follows:

Dental hygienists legally practicing for five years in settings under RCW 18.29.056 before the effective date of this section shall be given an endorsement for enhanced practice upon application to the dental hygiene quality assurance commission.

Sec. 6. RCW 18.29.021 and 1996 c 191 s 10 are each amended to read as follows:

(1) The department shall issue a license to any applicant who, as determined by the secretary:

(a) Has successfully completed an educational program approved by the secretary. This educational program shall include course work encompassing the subject areas within the scope of the license to practice dental hygiene in the state of Washington;

(b) Has successfully completed an examination administered or approved by the dental hygiene ((examining committee)) quality assurance commission; and

(c) Has not engaged in unprofessional conduct or is not unable to practice with reasonable skill and safety as a result of a physical or mental impairment.

(2) Applications for licensure must comply with administrative procedures, administrative requirements, and fees established according to RCW 43.70.250 and 43.70.280.

Sec. 7. RCW 18.29.045 and 1991 c 3 s 47 are each amended to read as follows:

An applicant holding a valid license and currently engaged in practice in another state may be granted a license without examination required by this chapter, on the payment of any required fees, if the ((secretary in consultation with the advisory committee)) dental hygiene quality assurance commission determines that the other state's licensing standards are substantively equivalent to the standards in this state(:(- PROVIDED, That)). However, the ((secretary in consultation with the advisory committee)) dental hygiene quality assurance commission may require the applicant to: (1) File with the ((secretary)) dental hygiene quality assurance commission documentation certifying the applicant is licensed to practice in another state; and (2) provide information as the ((secretary)) dental hygiene quality assurance commission deems necessary pertaining to the conditions and criteria of the uniform disciplinary act, chapter 18.130 RCW and to demonstrate to the ((secretary)) dental hygiene quality assurance commission a knowledge of Washington law pertaining to the practice of dental hygiene.

Sec. 8. RCW 18.29.060 and 1991 c 3 s 48 are each amended to read as follows:

Upon passing an examination and meeting the requirements as provided in RCW 18.29.021, the ((secretary of health)) dental hygiene quality assurance commission shall issue to the successful applicant a license as dental hygienist. The license shall be displayed in a conspicuous place in the ((operation room)) treatment facility where such licensee shall practice.

Sec. 9. RCW 18.29.120 and 1995 c 198 s 5 are each amended to read as follows:

The ((secretary in consultation with the Washington



COMPLETE TEXT OF Initiative Measure 678 (continued)

dental hygiene examining committee)) dental hygiene quality assurance commission shall:

(1) Adopt rules in accordance with chapter 34.05 RCW necessary to prepare and conduct examinations for dental hygiene licensure;

(2) Require an applicant for licensure to pass an examination consisting of written and practical tests upon such ((subjects)) topics and content and of such scope as the ((committee)) dental hygiene quality assurance commission determines;

(3) Set the standards for passage of the examination;

(4) Administer at least two examinations each calendar year. Additional examinations may be given as necessary; and

(5) Establish by rule the procedures for an appeal of an examination failure.

Sec. 10. RCW 18.29.130 and 1991 c 3 s 53 are each amended to read as follows:

(1) In addition to any other authority provided by law, the ((secretary)) dental hygiene quality assurance commission may:

((4)) (a) Adopt rules in accordance with chapter 34.05 RCW necessary to implement this chapter;

((2)) (b) Interpret the practice of dental hygiene in accordance with this chapter;

(c) Establish forms necessary to administer this chapter;

((3)) (d) Issue a license to any applicant who has met the education and examination requirements for licensure and deny a license to applicants who do not meet the minimum qualifications for licensure. Proceedings concerning the denial of licenses based on unprofessional conduct or impaired practice shall be governed by the uniform disciplinary act, chapter 18.130 RCW;

((4)) (e) Employ clerical, administrative, and investigative staff as needed to implement and administer this chapter and hire individuals, including those licensed under this chapter, to serve as examiners or consultants as necessary to implement and administer this chapter;

((5)) (f) Maintain the official departmental record of all applicants and licensees;

((6)) (g) Establish, by rule, the minimum education requirements for licensure, including but not limited to approval of educational programs; ((and

(7)) (h) Establish and implement by rule a continuing education program; and

(i) Conduct disciplinary hearings in compliance with chapter 18.130 RCW.

(2) The dental hygiene quality assurance commission, after consultation with the board of pharmacy, shall adopt rules that authorize a dental hygienist to purchase and administer therapeutic and preventive agents and devices that may be appropriate drugs under chapter 69.41 RCW, consistent with the provisions of this chapter.

Sec. 11. RCW 18.29.140 and 1991 c 3 s 54 are each amended to read as follows:

The ((secretary)) dental hygiene quality assurance commission shall establish by rule the standards and procedures for approval of educational programs and may

contract with individuals or organizations having expertise in the profession or in education to report to the ((secretary)) dental hygiene quality assurance commission information necessary for the secretary to evaluate the educational programs. The secretary may establish a fee for educational program evaluation. The fee shall be set to defray the administrative costs for evaluating the educational program, including, but not limited to, costs for site evaluation.

Sec. 12. RCW 18.29.150 and 1991 c 3 s 55 are each amended to read as follows:

(1) The secretary shall establish the date and location of the examination. Applicants who meet the education requirements for licensure shall be scheduled for the next examination following the filing of the application. The secretary shall establish by rule the examination application deadline.

(2) The examination shall contain ((subjects)) topics and content that evaluate the clinical competence of applicants appropriate to the scope of dental hygiene practice and on laws in the state of Washington regulating dental hygiene practice.

(3) The ((committee)) dental hygiene quality assurance commission shall establish by rule the requirements for a reexamination if the applicant has failed the examination.

(4) The ((committee)) dental hygiene quality assurance commission may approve an examination prepared or administered by a private testing agency or association of licensing authorities.

Sec. 13. RCW 18.29.160 and 1991 c 3 s 56 are each amended to read as follows:

((The secretary;)) Members of the ((committee)) dental hygiene quality assurance commission, and individuals acting on their behalf are immune from suit in any action, civil or criminal, based on any acts performed in the course of their duties.

Sec. 14. RCW 18.29.180 and 1991 c 3 s 57 are each amended to read as follows:

The following practices, acts, and operations are excepted from the operation of this chapter:

(1) The practice of dental hygiene in the discharge of official duties by dental hygienists in the United States armed services, coast guard, public health services, veterans' bureau, or bureau of Indian affairs;

(2) Dental hygiene programs approved by the ((secretary)) dental hygiene quality assurance commission and the practice of dental hygiene by students in dental hygiene programs approved by the ((secretary)) dental hygiene quality assurance commission, when acting under the direction and supervision of persons licensed under chapter 18.29 or 18.32 RCW acting as instructors.

NEW SECTION. Sec. 15. A new section is added to chapter 18.29 RCW to read as follows:

The department shall issue a temporary dental hygiene license in accordance with rules adopted by the dental hygiene quality assurance commission.

Sec. 16. RCW 18.29.210 and 1993 c 323 s 4 are each amended to read as follows:

The ((secretary in consultation with the dental hygiene examining committee)) dental hygiene quality assurance commission shall develop rules and definitions to implement this chapter.

NEW SECTION. Sec. 17. RCW 18.29.110 and 1991 c 3 s 51 & 1989 c 202 s 3 are each repealed.



COMPLETE TEXT OF Initiative Measure 678 (continued)

NEW SECTION. Sec. 18. This act takes effect January 1, 1998.



COMPLETE TEXT OF Initiative Measure 685

AN ACT Relating to the drug medicalization and prevention act of 1997; amending RCW 9.95.116; adding new sections to chapter 69.50 RCW; adding new sections to chapter 9.95 RCW; adding a new chapter to Title 69 RCW; creating new sections; and prescribing penalties.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. TITLE. This act may be known and cited as the "drug medicalization and prevention act of 1997."

NEW SECTION. Sec. 2. FINDINGS AND DECLARATIONS. The people of the state of Washington find and declare the following:

(1) Washington's current approach to drug control needs to be strengthened. This is evidenced by the fact that drug use among youth has more than doubled over the past five years. In addition to actively enforcing our criminal laws against drugs, we need to medicalize Washington's drug control policy and recognize that drug abuse and addiction are public health problems that should be treated as diseases. Thus, drug treatment and prevention must be expanded;

(2) We must also toughen Washington's laws against violent criminals on drugs. Any person who commits a violent crime while under the influence of illegal drugs should serve one hundred percent of his or her sentence with absolutely no early release;

(3) Thousands of Washington citizens suffer from debilitating diseases such as glaucoma, multiple sclerosis, cancer, and AIDS, but cannot have access to the necessary drugs they need. Allowing doctors to recommend Schedule I controlled substances such as marijuana could save victims of these diseases from loss of sight, loss of physical capacity, and greatly reduce the pain and suffering of the seriously ill and terminally ill;

(4) The drug problems of nonviolent persons who are convicted of personal possession or use of drugs are best handled through court-supervised drug treatment and education programs. These programs are more effective than locking up nonviolent offenders in a costly prison. Over the next decade, hundreds of millions of dollars can be saved by using drug treatment and education programs as an alternative to prison;

(5) Violent offenders are not adequately punished due to the prison overcrowding crisis in Washington. Placing nonviolent persons who are convicted of personal possession or use of drugs in court-supervised drug treatment and education programs will free up space in our prisons so that

there is room to incarcerate violent offenders and drug dealers; and

(6) The missing link in drug education and prevention is parental involvement. The tax dollars saved by eliminating prison time for nonviolent persons convicted of personal possession or use of drugs should be used for drug treatment and education, targeted at programs that increase parental involvement in their children's drug education.

NEW SECTION. Sec. 3. PURPOSE AND INTENT. The people of the state of Washington declare their purposes to be as follows:

(1) To require that any person who commits a violent crime under the influence of drugs serve one hundred percent of his or her sentence and not be eligible for parole or any form of early release;

(2) To permit doctors to recommend Schedule I controlled substances to treat a disease or to relieve the pain and suffering of seriously ill and terminally ill patients;

(3) To require that nonviolent persons convicted of personal possession or use of drugs successfully undergo court-supervised drug treatment programs and probation;

(4) To require that nonviolent persons currently in prison for personal possession or use of illegal drugs, and not serving a concurrent sentence for another crime, or previously convicted or sentenced or subject to sentencing under any habitual criminal statute in any jurisdiction in the United States, be made eligible for immediate parole and drug treatment, education, and community service;

(5) To free up space in our prisons to provide room for violent offenders; and

(6) To expand the success of pilot drug intervention programs that divert drug offenders from prison to drug treatment, education, and counseling.

Sec. 4. RCW 9.95.116 and 1989 c 259 s 2 are each amended to read as follows:

PAROLE NONELIGIBILITY--VIOLENT OFFENSE--INFLUENCE OF CONTROLLED SUBSTANCE--DEFINITION.

(1) The board shall fix the duration of confinement for persons committed to the custody of the department of corrections under a mandatory life sentence for a crime or crimes committed before July 1, 1984. However, no duration of confinement shall be fixed for those persons committed under a life sentence without the possibility of parole.

The duration of confinement for persons covered by this section shall be fixed no later than July 1, 1992, or within six months after the admission or readmission of the convicted person to the custody of the department of corrections, whichever is later.

(2) Prior to fixing a duration of confinement under this section, the board shall request from the sentencing judge and the prosecuting attorney an updated statement in accordance with RCW 9.95.030. In addition to the report and recommendations of the prosecuting attorney and sentencing judge, the board shall also consider any victim impact statement submitted by a victim, survivor, or a representative, and any statement submitted by an investigative law enforcement officer. The board shall provide the convicted person with copies of any new statement and an opportunity to comment thereon prior to fixing the duration of confinement.

(3) Notwithstanding any law to the contrary, any person convicted of a violent offense as defined in RCW 9.94A.030(38) committed while under the influence of a controlled substance is not eligible for parole and must serve one hundred percent of his or her sentence in prison.



**COMPLETE TEXT OF
Initiative Measure 685
(continued)**

NEW SECTION. Sec. 5. A new section is added to chapter 69.50 RCW to read as follows:

RECEIPT, POSSESSION, OR USE OF CONTROLLED SUBSTANCES INCLUDED IN SCHEDULE I OF RCW 69.50.204 BY SERIOUSLY ILL OR TERMINALLY ILL PATIENT. Notwithstanding any law to the contrary, the receipt, possession, or use of a controlled substance included in Schedule I of RCW 69.50.204 by any seriously ill or terminally ill patient under the recommendation of a physician in compliance with section 6 of this act is lawful.

NEW SECTION. Sec. 6. A new section is added to chapter 69.50 RCW to read as follows:

RECOMMENDING CONTROLLED SUBSTANCES INCLUDED IN SCHEDULE I OF RCW 69.50.204 FOR SERIOUSLY ILL AND TERMINALLY ILL PATIENTS. (1) As used in this section and section 5 of this act, "physician" means a physician licensed pursuant to chapter 18.71 or 18.57 RCW.

(2) Notwithstanding any law to the contrary, a physician may recommend a controlled substance included in Schedule I of RCW 69.50.204 to treat a disease, or to relieve the pain and suffering of a seriously ill patient or terminally ill patient. In recommending such a controlled substance, the physician shall comply with professional medical standards.

(3) Notwithstanding any law to the contrary, a physician shall document that scientific research exists that supports the use of a controlled substance listed in RCW 69.50.204 in Schedule I to treat a disease, or to relieve the pain and suffering of a seriously ill patient or terminally ill patient, before recommending the controlled substance. A physician recommending a Schedule I controlled substance to treat a disease, or to relieve the pain and suffering of a seriously ill patient or terminally ill patient, shall obtain the written opinion of a second physician that the recommending of the controlled substance is appropriate to treat a disease or to relieve the pain and suffering of a seriously ill patient or terminally ill patient. Before recommending the Schedule I controlled substance the physician must receive in writing the consent of the patient.

(4) Any failure to comply with this section may be the subject of investigation and appropriate disciplining action by the board of medical examiners.

NEW SECTION. Sec. 7. A new section is added to chapter 9.95 RCW to read as follows:

PAROLE ELIGIBILITY FOR PERSONS PREVIOUSLY CONVICTED OF PERSONAL POSSESSION OR USE OF A CONTROLLED SUBSTANCE. (1) Notwithstanding any law to the contrary, if a person has been convicted of the personal possession or use of a controlled substance as defined in RCW 69.50.101, is incarcerated in a Washington state prison, and is not concurrently serving another sentence, the person is eligible for parole.

(2) Any person who has previously been convicted of a violent offense as defined in RCW 9.94A.030(38), or has previously been convicted, sentenced, or subject to sentencing under any habitual criminal statute in any jurisdiction in the United States, is not eligible for parole under this section.

(3) Personal possession or use of a controlled substance under this section does not include possession for

sale, production, manufacturing, or transportation for sale of the controlled substance.

(4) Within ninety days of the effective date of this act, the secretary of the department of corrections shall prepare a list that identifies each person who is eligible for parole under this section, and shall notify the sentencing judge or the judge's successor in the county of conviction of the eligibility.

NEW SECTION. Sec. 8. A new section is added to chapter 9.95 RCW to read as follows:

PAROLE FOR PERSONS PREVIOUSLY CONVICTED OF PERSONAL POSSESSION OR USE OF A CONTROLLED SUBSTANCE--TREATMENT--PREVENTION--EDUCATION--TERMINATION OF PAROLE. (1) Notwithstanding any law to the contrary, every prisoner who is eligible for parole under section 7 of this act shall be released upon parole. However, if the sentencing judge or the judge's successor in the county of conviction determines that a person so eligible would be a danger to the general public, that person shall not be released upon parole.

(2) As to each person released upon parole under this section, the sentencing judge or the judge's successor in the county of conviction shall order that as a condition of parole the person be required to participate in an appropriate drug treatment or education program administered by a qualified agency or organization that provides the treatment to persons who abuse or are addicted to controlled substances. Each person enrolled in a drug treatment or education program shall be required to pay for his or her participation in the program to the extent of his or her financial ability.

(3) Each person released upon parole under this section shall remain on parole unless the sentencing judge or the judge's successor revokes parole or grants an absolute discharge from parole or until the person has completed the person's sentence. When the person reaches his or her individual earned release credit date, his or her parole shall be terminated and he or she shall no longer be under the authority of the board.

NEW SECTION. Sec. 9. A new section is added to chapter 9.95 RCW to read as follows:

PROBATION FOR PERSONS CONVICTED OF PERSONAL POSSESSION AND USE OF CONTROLLED SUBSTANCES--TREATMENT--PREVENTION--EDUCATION. (1) Notwithstanding any law to the contrary, any person who is convicted of the personal possession or use of a controlled substance as defined in RCW 69.50.101 is eligible for probation under this chapter. The sentencing judge or the judge's successor shall suspend the imposition or execution of sentence and place the person on probation that shall not include incarceration.

(2) Any person who has been convicted of or indicted for a violent offense as defined in RCW 9.94A.030 is not eligible for probation as provided for in this section, but instead shall be sentenced under the other provisions of this title.

(3) Personal possession or use of a controlled substance under this section shall not include possession for sale, production, manufacturing, or transportation for sale of any controlled substance.

(4) If a person is convicted of personal possession or use of a controlled substance as defined in RCW 69.50.101, as a condition of probation, the sentencing judge or the judge's successor may require participation in an appropriate drug treatment or education program administered by a qualified agency or organization that provides the programs to persons who abuse or are addicted to controlled substances. Each person enrolled in a drug treatment or education program shall



COMPLETE TEXT OF Initiative Measure 685 (continued)

be required to pay for his or her participation in the program to the extent of his or her financial ability.

(5) A person who has been placed on probation under this section, who is determined by the sentencing judge or the judge's successor to be in violation of his or her probation shall have new conditions of probation established in the following manner: The sentencing judge or the judge's successor shall select the additional conditions it deems necessary, including intensified drug treatment, community service, home detention, or any other such sanctions short of incarceration.

(6) If a person is convicted a second time of personal possession or use of a controlled substance as defined in RCW 69.50.101, the sentencing judge or the judge's successor may include additional conditions of probation it deems necessary, including intensified drug treatment, community service, home detention, or any other action within the jurisdiction of the court.

(7) A person who has been convicted three times of personal possession or use of a controlled substance as defined in RCW 69.50.101 is not eligible for probation under this section, but instead shall be sentenced under the other provisions of this chapter.

NEW SECTION. Sec. 10. WASHINGTON PARENTS COMMISSION ON DRUG EDUCATION AND PREVENTION.

(1) The Washington parents commission on drug education and prevention is hereby created. The commission shall consist of nine members. The members of the commission shall be appointed by the governor within sixty days of the effective date of this act and shall serve a two-year term. Of the nine members, five shall be parents with children currently enrolled in a Washington school, one shall be a representative of a law enforcement agency, one shall be an educator in a local school district, one shall be a representative of a county probation department, and one shall be a representative of the drug education and treatment community.

(2) Each member shall be appointed for a term of two years. The members shall receive no pay, but may be reimbursed for actual expenses incurred on commission business.

(3) The commission shall fund programs that will increase and enhance parental involvement and will increase education about the serious risks and public health problems caused by the abuse of alcohol and controlled substances.

(4) The commission shall contract for administrative and professional services with a not-for-profit organization or government entity with expertise in substance abuse education and prevention.

NEW SECTION. Sec. 11. DRUG TREATMENT AND EDUCATION FUND. (1) The drug treatment and education fund is created.

(2) Each year the state treasurer shall transfer six million dollars from the general fund to the drug treatment and education fund. The state expenditure limit shall not be lowered to reflect this transfer.

(3) The moneys deposited in the drug treatment and education fund shall be distributed as follows:

(a) The department of corrections shall receive payment for the administrative and treatment expenses incurred in implementing the parole provisions of sections 7 and 8 of this act, up to a limit of twenty percent of the moneys deposited in

the drug treatment and education fund.

(b) Fifty percent of the remaining moneys deposited in the drug treatment and education fund shall be distributed to county probation departments to cover the costs of placing persons in drug education and treatment programs administered by a qualified agency or organization that provides such programs to persons who abuse controlled substances. The moneys shall be allocated to county probation departments according to a formula based on the numbers of persons placed on probation under chapter . . . , Laws of 1998 (this act).

(c) Fifty percent of the remaining moneys deposited in the drug treatment and education fund shall be transferred to the Washington parents commission on drug education and prevention established under section 10 of this act.

(4) The state auditor shall cause to be prepared at the end of each fiscal year after 1997 an accountability report card that details the cost savings realized from the diversion of persons from prisons to probation. A copy of the report shall be submitted to the governor and the legislature, and a copy of the report shall be sent to each public library in the state.

NEW SECTION. Sec. 12. Captions used in this act are not any part of the law.

NEW SECTION. Sec. 13. Sections 10 and 11 of this act constitute a new chapter in Title 69 RCW.

NEW SECTION. Sec. 14. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.



COMPLETE TEXT OF Referendum Bill 47

AN ACT Relating to limiting property taxes by reducing the state levy, reducing the one hundred six percent limit calculation, and allowing for valuation increases to be spread over time; amending RCW 84.04.030, 84.40.020, 84.40.030, 84.40.040, 84.40.045, 84.41.041, 84.48.010, 84.48.065, 84.48.075, 84.48.080, 84.12.270, 84.12.280, 84.12.310, 84.12.330, 84.12.350, 84.12.360, 84.16.040, 84.16.050, 84.16.090, 84.16.110, 84.16.120, 84.36.041, 84.52.063, 84.70.010, 84.55.005, 84.55.010, 84.55.020, 35.61.210, 70.44.060, 84.08.115, and 84.55.120; adding a new section to chapter 84.04 RCW; adding a new section to chapter 84.40 RCW; adding new sections to chapter 84.55 RCW; creating new sections; repealing RCW 84.55.---; repealing 1997 c 2 s 5 (uncodified); and providing for submission of this act to a vote of the people.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

PART I VALUE AVERAGING

NEW SECTION. Sec. 101. A new section is added to chapter 84.04 RCW to read as follows:

"Appraised value of property" means the aggregate true and fair value of the property as last determined by the county assessor according to the revaluation program approved under chapter 84.41 RCW, including revaluations based on statistical data between physical inspections.



**COMPLETE TEXT OF
Referendum Bill 47**
(continued)

Sec. 102. RCW 84.04.030 and 1961 c 15 s 84.04.030 are each amended to read as follows:

“Assessed value of property” shall be held and construed to mean the aggregate valuation of the property subject to taxation by any taxing district as determined under section 105 of this act, reduced by the value of any applicable exemptions under RCW 84.36.381 or other law, and placed on the last completed and balanced tax rolls of the county preceding the date of any tax levy.

Sec. 103. RCW 84.40.020 and 1973 c 69 s 1 are each amended to read as follows:

All real property in this state subject to taxation shall be listed and assessed every year, with reference to its appraised and assessed values on the first day of January of the year in which it is assessed. Such listing and all supporting documents and records shall be open to public inspection during the regular office hours of the assessor’s office: PROVIDED, That confidential income data is exempted from public inspection pursuant to RCW 42.17.310. All personal property in this state subject to taxation shall be listed and assessed every year, with reference to its value and ownership on the first day of January of the year in which it is assessed: PROVIDED, That if the stock of goods, wares, merchandise or material, whether in a raw or finished state or in process of manufacture, owned or held by any taxpayer on January 1 of any year does not fairly represent the average stock carried by such taxpayer, such stock shall be listed and assessed upon the basis of the monthly average of stock owned or held by such taxpayer during the preceding calendar year or during such portion thereof as the taxpayer was engaged in business.

Sec. 104. RCW 84.40.030 and 1994 c 124 s 20 are each amended to read as follows:

All personal property shall be valued at one hundred percent of its true and fair value in money and assessed on the same basis unless specifically provided otherwise by law.

All real property shall be appraised at one hundred percent of its true and fair value in money and assessed as provided in section 105 of this act unless specifically provided otherwise by law.

Taxable leasehold estates shall be valued at such price as they would bring at a fair, voluntary sale for cash without any deductions for any indebtedness owed including rentals to be paid.

The true and fair value of real property for taxation purposes (including property upon which there is a coal or other mine, or stone or other quarry) shall be based upon the following criteria:

(1) Any sales of the property being appraised or similar properties with respect to sales made within the past five years. The appraisal shall be consistent with the comprehensive land use plan, development regulations under chapter 36.70A RCW, zoning, and any other governmental policies or practices in effect at the time of appraisal that affect the use of property, as well as physical and environmental influences. The appraisal shall also take into account: (a) In the use of sales by real estate contract as similar sales, the extent, if any, to which the stated selling price has been increased by reason of the down payment, interest rate, or other financing terms; and (b) the

extent to which the sale of a similar property actually represents the general effective market demand for property of such type, in the geographical area in which such property is located. Sales involving deed releases or similar seller-developer financing arrangements shall not be used as sales of similar property.

(2) In addition to sales as defined in subsection (1) of this section, consideration may be given to cost, cost less depreciation, reconstruction cost less depreciation, or capitalization of income that would be derived from prudent use of the property. In the case of property of a complex nature, or being used under terms of a franchise from a public agency, or operating as a public utility, or property not having a record of sale within five years and not having a significant number of sales of similar property in the general area, the provisions of this subsection (2) shall be the dominant factors in valuation. When provisions of this subsection (2) are relied upon for establishing values the property owner shall be advised upon request of the factors used in arriving at such value.

(3) In valuing any tract or parcel of real property, the true and fair value of the land, exclusive of structures thereon shall be determined; also the true and fair value of structures thereon, but the appraised valuation shall not exceed the true and fair value of the total property as it exists. In valuing agricultural land, growing crops shall be excluded.

NEW SECTION. Sec. 105. A new section is added to chapter 84.40 RCW to read as follows:

(1) As used in this section:

(a) “Previous assessed value” means the assessed value for the year immediately preceding the year for which a calculation is being made under this section.

(b) “Current appraised value” means the appraised value for the year for which a calculation is being made under this section.

(c) “Total value increase” means the current appraised value minus the previous assessed value. Total value increase can never be less than zero.

(d) “Improvement increase” means the portion of the total value increase attributable to any physical improvements made to the property since the previous assessment, other than improvements exempt under RCW 84.36.400 for the year for which a calculation is being made under this section. Improvement increase can never be less than zero.

(e) “Market increase” means the total value increase minus the improvement increase. Market increase can never be less than zero.

(2) The assessed value of property is equal to the lesser of the current appraised value or a limited value determined under this section. The limited value is equal to the greater of:

(a) The improvement increase plus one hundred fifteen percent of the previous assessed value; or

(b) The sum of:

(i) The previous assessed value;

(ii) The improvement increase; and

(iii) Twenty-five percent of the market increase.

(3) Upon loss of preferential tax treatment for property that qualifies for preferential tax treatment under chapter 84.14, 84.26, 84.33, 84.34, or 84.36 RCW, the previous assessed value shall be the assessed value the property would have had without the preferential tax treatment.

Sec. 106. RCW 84.40.040 and 1988 c 222 s 15 are each amended to read as follows:

The assessor shall begin the preliminary work for each assessment not later than the first day of December of each year in all counties in the state. The assessor shall also complete the duties of listing and placing valuations on all



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property by May 31st of each year, except that the listing and valuation of construction and mobile homes under RCW (~~36.21.040 through~~) 36.21.080 and 36.21.090 shall be completed by August 31st of each year, and in the following manner, to wit:

The assessor shall actually determine as nearly as practicable the true and fair value of each tract or lot of land listed for taxation and of each improvement located thereon and shall enter as the appraised value one hundred percent of the true and fair value of such land and of the total true and fair value of such improvements, together with the total of such one hundred percent valuations, opposite each description of property on the assessment list and tax roll.

The assessor shall determine the assessed value, under section 105 of this act, for each tract or lot of land listed for taxation, including improvements located thereon, and shall also enter this value opposite each description of property on the assessment list and tax roll.

The assessor shall make an alphabetical list of the names of all persons in the county liable to assessment of personal property, and require each person to make a correct list and statement of such property according to the standard form prescribed by the department of revenue, which statement and list shall include, if required by the form, the year of acquisition and total original cost of personal property in each category of the prescribed form, and shall be signed and verified under penalty of perjury by the person listing the property: PROVIDED, That the assessor may list and value improvements on publicly owned land in the same manner as real property is listed and valued, including conformance with the revaluation program required under chapter 84.41 RCW. Such list and statement shall be filed on or before the last day of April. The assessor shall on or before the 1st day of January of each year mail a notice to all such persons at their last known address that such statement and list is required, such notice to be accompanied by the form on which the statement or list is to be made: PROVIDED, That the notice mailed by the assessor to each taxpayer each year shall, if practicable, include the statement and list of personal property of the taxpayer for the preceding year. Upon receipt of such statement and list the assessor shall thereupon determine the true and fair value of the property included in such statement and enter one hundred percent of the same on the assessment roll opposite the name of the party assessed; and in making such entry in the assessment list, the assessor shall give the name and post office address of the party listing the property, and if the party resides in a city the assessor shall give the street and number or other brief description of the party's residence or place of business. The assessor may, after giving written notice of the action to the person to be assessed, add to the assessment list any taxable property which should be included in such list.

Sec. 107. RCW 84.40.045 and 1994 c 301 s 36 are each amended to read as follows:

The assessor shall give notice of any change in the (~~true and fair~~) assessed value of real property for the tract or lot of land and any improvements thereon no later than thirty days after appraisal: PROVIDED, That no such notice shall be mailed during the period from January 15 to February 15 of each year: PROVIDED FURTHER, That no notice need be sent with

respect to changes in valuation of forest land made pursuant to chapter 84.33 RCW.

The notice shall contain a statement of both the prior and the new (~~true and fair~~) appraised and assessed values (~~and the ratio of the assessed value to the true and fair value on which the assessment of the property is based~~), stating separately land and improvement appraised values, and a brief statement of the procedure for appeal to the board of equalization and the time, date, and place of the meetings of the board.

The notice shall be mailed by the assessor to the taxpayer.

If any taxpayer, as shown by the tax rolls, holds solely a security interest in the real property which is the subject of the notice, pursuant to a mortgage, contract of sale, or deed of trust, such taxpayer shall, upon written request of the assessor, supply, within thirty days of receipt of such request, to the assessor the name and address of the person making payments pursuant to the mortgage, contract of sale, or deed of trust, and thereafter such person shall also receive a copy of the notice provided for in this section. Willful failure to comply with such request within the time limitation provided for herein shall make such taxpayer subject to a maximum civil penalty of five thousand dollars. The penalties provided for herein shall be recoverable in an action by the county prosecutor, and when recovered shall be deposited in the county current expense fund. The assessor shall make the request provided for by this section during the month of January.

Sec. 108. RCW 84.41.041 and 1987 c 319 s 4 are each amended to read as follows:

Each county assessor shall cause taxable real property to be physically inspected and valued at least once every six years in accordance with RCW 84.41.030, and in accordance with a plan filed with and approved by the department of revenue. Such revaluation plan shall provide that a reasonable portion of all taxable real property within a county shall be revalued and these newly-determined values placed on the assessment rolls each year. The department may approve a plan that provides that all property in the county be revalued every two years. If the revaluation plan provides for physical inspection at least once each four years, during the intervals between each physical inspection of real property, the appraised valuation of such property may be adjusted to its current true and fair value, such adjustments to be based upon appropriate statistical data. If the revaluation plan provides for physical inspection less frequently than once each four years, during the intervals between each physical inspection of real property, the appraised valuation of such property shall be adjusted to its current true and fair value, such adjustments to be made once each year and to be based upon appropriate statistical data. If the appraised valuation is changed, the assessed value shall be recalculated under section 105 of this act.

The assessor may require property owners to submit pertinent data respecting taxable property in their control including data respecting any sale or purchase of said property within the past five years, the cost and characteristics of any improvement on the property and other facts necessary for appraisal of the property.

Sec. 109. RCW 84.48.010 and 1988 c 222 s 20 are each amended to read as follows:

Prior to July 15th, the county legislative authority shall form a board for the equalization of the assessment of the property of the county. The members of said board shall receive a per diem amount as set by the county legislative authority for each day of actual attendance of the meeting of the board of equalization to be paid out of the current expense fund of the



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county: PROVIDED, That when the county legislative authority constitute the board they shall only receive their compensation as members of the county legislative authority. The board of equalization shall meet in open session for this purpose annually on the 15th day of July and, having each taken an oath fairly and impartially to perform their duties as members of such board, they shall examine and compare the returns of the assessment of the property of the county and proceed to equalize the same, so that the appraised value of each tract or lot of real property and each article or class of personal property shall be entered on the assessment list at its true and fair value, according to the measure of value used by the county assessor in such assessment year, ((which is presumed to be correct pursuant to RCW 84.40.0301)) and so that the assessed value of each tract or lot of real property is entered on the assessment list at its correct amount, and subject to the following rules:

First. They shall raise the appraised valuation of each tract or lot or item of real property which is returned below its true and fair value to such price or sum as to be the true and fair value thereof, and raise the assessed valuation of each tract or lot or item of real property which is returned below its correct amount to the correct amount after at least five days' notice shall have been given in writing to the owner or agent.

Second. They shall reduce the appraised valuation of each tract or lot or item which is returned above its true and fair value to such price or sum as to be the true and fair value thereof and reduce the assessed valuation of each tract or lot or item of real property which is returned above its correct amount to the correct amount.

Third. They shall raise the valuation of each class of personal property which is returned below its true and fair value to such price or sum as to be the true and fair value thereof, and they shall raise the aggregate value of the personal property of each individual whenever the aggregate value is less than the true valuation of the taxable personal property possessed by such individual, to such sum or amount as to be the true value thereof, after at least five days' notice shall have been given in writing to the owner or agent thereof.

Fourth. They shall reduce the valuation of each class of personal property enumerated on the detail and assessment list of the current year, which is returned above its true and fair value, to such price or sum as to be the true and fair value thereof; and they shall reduce the aggregate valuation of the personal property of such individual who has been assessed at too large a sum to such sum or amount as was the true and fair value of the personal property.

Fifth. The board may review all claims for either real or personal property tax exemption as determined by the county assessor, and shall consider any taxpayer appeals from the decision of the assessor thereon to determine (1) if the taxpayer is entitled to an exemption, and (2) if so, the amount thereof.

The clerk of the board shall keep an accurate journal or record of the proceedings and orders of said board showing the facts and evidence upon which their action is based, and the said record shall be published the same as other proceedings of county legislative authority, and shall make a true record of the changes of the descriptions and ~~((assessed))~~ appraised values ordered by the county board of equalization. The assessor shall recalculate assessed values and correct the real and personal assessment rolls in accordance with the

changes made by the said county board of equalization, and the assessor shall make duplicate abstracts of such corrected values, one copy of which shall be retained in the office, and one copy forwarded to the department of revenue on or before the eighteenth day of August next following the meeting of the county board of equalization.

The county board of equalization shall meet on the 15th day of July and may continue in session and adjourn from time to time during a period not to exceed four weeks, but shall remain in session not less than three days: PROVIDED, That the county board of equalization with the approval of the county legislative authority may convene at any time when petitions filed exceed twenty-five, or ten percent of the number of appeals filed in the preceding year, whichever is greater.

No taxes, except special taxes, shall be extended upon the tax rolls until the property valuations are equalized by the department of revenue for the purpose of raising the state revenue.

County legislative authorities as such shall at no time have any authority to change the valuation of the property of any person or to release or commute in whole or in part the taxes due on the property of any person.

Sec. 110. RCW 84.48.065 and 1996 c 296 s 1 are each amended to read as follows:

(1) The county assessor or treasurer may cancel or correct assessments on the assessment or tax rolls which are erroneous due to manifest errors in description, double assessments, clerical errors in extending the rolls, clerical errors in calculating the assessed value under section 105 of this act, and such manifest errors in the listing of the property which do not involve a revaluation of property, except in the case that a taxpayer produces proof that an authorized land use authority has made a definitive change in the property's land use designation. In such a case, correction of the assessment or tax rolls may be made notwithstanding the fact that the action involves a revaluation of property. Manifest errors that do not involve a revaluation of property include the assessment of property exempted by law from taxation or the failure to deduct the exemption allowed by law to the head of a family. When the county assessor cancels or corrects an assessment, the assessor shall send a notice to the taxpayer in accordance with RCW 84.40.045, advising the taxpayer that the action has been taken and notifying the taxpayer of the right to appeal the cancellation or correction to the county board of equalization, in accordance with RCW 84.40.038. When the county assessor or treasurer cancels or corrects an assessment, a record of such action shall be prepared, setting forth therein the facts relating to the error. The record shall also set forth by legal description all property belonging exclusively to the state, any county, or any municipal corporation whose property is exempt from taxation, upon which there remains, according to the tax roll, any unpaid taxes. No manifest error cancellation or correction, including a cancellation or correction made due to a definitive change of land use designation, shall be made for any period more than three years preceding the year in which the error is discovered.

(2)(a) In the case of a definitive change of land use designation, an assessor shall make corrections that involve a revaluation of property to the assessment roll when:

(i) The assessor and taxpayer have signed an agreement as to the true and fair value of the taxpayer's property setting forth in the agreement the valuation information upon which the agreement is based; and

(ii) The assessment roll has previously been certified in accordance with RCW 84.40.320.

(b) In all other cases, an assessor shall make corrections that involve a revaluation of property to the



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assessment roll when:

(i) The assessor and taxpayer have signed an agreement as to the true and fair value of the taxpayer's property setting forth in the agreement the valuation information upon which the agreement is based; and

(ii) The following conditions are met:

(A) The assessment roll has previously been certified in accordance with RCW 84.40.320;

(B) The taxpayer has timely filed a petition with the county board of equalization pursuant to RCW 84.40.038 for the current assessment year;

(C) The county board of equalization has not yet held a hearing on the merits of the taxpayer's petition.

(3) The assessor shall issue a supplementary roll or rolls including such cancellations and corrections, and the assessment and levy shall have the same force and effect as if made in the first instance, and the county treasurer shall proceed to collect the taxes due on the rolls as modified.

Sec. 111. RCW 84.48.075 and 1988 c 222 s 23 are each amended to read as follows:

(1) The department of revenue shall annually, prior to the first Monday in September, determine and submit to each assessor a preliminary indicated ratio for each county: PROVIDED, That the department shall establish rules and regulations pertinent to the determination of the indicated ratio, the indicated real property ratio and the indicated personal property ratio: PROVIDED FURTHER, That these rules and regulations may provide that data, as is necessary for said determination, which is available from the county assessor of any county and which has been audited as to its validity by the department, shall be utilized by the department in determining the indicated ratio.

(2) To such extent as is reasonable, the department may define use classes of property for the purposes of determination of the indicated ratio. Such use classes may be defined with respect to property use and may include agricultural, open space, timber and forest lands.

(3) The department shall review each county's preliminary ratio with the assessor, a landowner, or an owner of an intercounty public utility or private car company of that county, if requested by the assessor, a landowner, or an owner of an intercounty public utility or private car company of that county, respectively, between the first and third Mondays of September. Prior to equalization of assessments pursuant to RCW 84.48.080 and after the third Monday of September, the department shall certify to each county assessor the real and personal property ratio for that county.

(4) The department of revenue shall also examine procedures used by the assessor to assess real and personal property in the county, including calculations, use of prescribed value schedules, and efforts to locate all taxable property in the county. If any examination by the department discloses other than market value is being listed as appraised value on the county assessment rolls of the county by the assessor and, after due notification by the department, is not corrected, the department of revenue shall, in accordance with rules adopted by the department, adjust the ratio of that type of property, which adjustment shall be used for determining the county's indicated ratio.

Sec. 112. RCW 84.48.080 and 1995 2nd sp.s. c 13 s 3 are each amended to read as follows:

(1) Annually during the months of September and October, the department of revenue shall examine and compare the returns of the assessment of the property in the several counties of the state, and the assessment of the property of railroad and other companies assessed by the department, and proceed to equalize the same, so that each county in the state shall pay its due and just proportion of the taxes for state purposes for such assessment year, according to the ratio the assessed valuation of the property in each county bears to the correct total assessed valuation of all property in the state.

First. The department shall classify all property, real and personal, and shall raise and lower the assessed valuation of any class of property in any county to a value that shall be equal, so far as possible, to the ~~((true and fair))~~ correct assessed value of such class as of January 1st of the current year, after determining the correct appraised value, and any adjustment applicable under section 105 of this act for the property, for the purpose of ascertaining the just amount of tax due from each county for state purposes. In equalizing personal property as of January 1st of the current year, the department shall use the assessment level of the preceding year. Such classification may be on the basis of types of property, geographical areas, or both. For purposes of this section, for each county that has not provided the department with an assessment return by December 1st, the department shall proceed, using facts and information and in a manner it deems appropriate, to estimate the value of each class of property in the county.

Second. The department shall keep a full record of its proceedings and the same shall be published annually by the department.

(2) The department shall levy the state taxes authorized by law. The amount levied in any one year for general state purposes shall not exceed the lawful dollar rate on the dollar of the assessed value of the property of the entire state (~~(-which assessed value shall be one hundred percent of the true and fair value of such property in money))~~ as equalized under this section. The department shall apportion the amount of tax for state purposes levied by the department, among the several counties, in proportion to the assessed valuation of the taxable property of the county for the year as equalized by the department: PROVIDED, That for purposes of this apportionment, the department shall recompute the previous year's levy and the apportionment thereof to correct for changes and errors in taxable values reported to the department after October 1 of the preceding year and shall adjust the apportioned amount of the current year's state levy for each county by the difference between the apportioned amounts established by the original and revised levy computations for the previous year. For purposes of this section, changes in taxable values mean a final adjustment made by a county board of equalization, the state board of tax appeals, or a court of competent jurisdiction and shall include additions of omitted property, other additions or deletions from the assessment or tax rolls, any assessment return provided by a county to the department subsequent to December 1st, or a change in the indicated ratio of a county. Errors in taxable values mean errors corrected by a final reviewing body.

In addition to computing a levy under this subsection that is reduced under RCW 84.55.012, the department shall compute a hypothetical levy without regard to the reduction under RCW 84.55.012. This hypothetical levy shall also be apportioned among the several counties in proportion to the valuation of the taxable property of the county for the year, as equalized by the department, in the same manner as the



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actual levy and shall be used by the county assessors for the purpose of recomputing and establishing a consolidated levy under RCW 84.52.010.

(3) The department shall have authority to adopt rules and regulations to enforce obedience to its orders in all matters in relation to the returns of county assessments, the equalization of values, and the apportionment of the state levy by the department.

(4) After the completion of the duties prescribed in this section, the director of the department shall certify the record of the proceedings of the department under this section, the tax levies made for state purposes and the apportionment thereof among the counties, and the certification shall be available for public inspection.

Sec. 113. RCW 84.12.270 and 1994 c 301 s 20 are each amended to read as follows:

The department of revenue shall annually make an assessment of the operating property of all companies; and between the fifteenth day of March and the first day of July of each of said years shall prepare an assessment roll upon which it shall enter ~~((and assess))~~ the ~~((true and fair))~~ assessed value of all the operating property of each of such companies as of the first day of January of the year in which the assessment is made. For the purpose of determining the ~~((true and fair))~~ assessed value of such property the department of revenue may inspect the property belonging to said companies and may take into consideration any information or knowledge obtained by it from such examination and inspection of such property, or of the books, records and accounts of such companies, the statements filed as required by this chapter, the reports, statements or returns of such companies filed in the office of any board, office or commission of this state or any county thereof, the earnings and earning power of such companies, the franchises owned or used by such companies, the assessed valuation of any and all property of such companies, whether operating or nonoperating property, and whether situated within or outside the state, and any other facts, evidence or information that may be obtainable bearing upon the value of the operating property: PROVIDED, That in no event shall any statement or report required from any company by this chapter be conclusive upon the department of revenue in determining the amount, character and ~~((true and fair))~~ assessed value of the operating property of such company.

Sec. 114. RCW 84.12.280 and 1987 c 153 s 2 are each amended to read as follows:

(1) In making the assessment of the operating property of any railroad or logging railroad company and in the apportionment of the values and the taxation thereof, all land occupied and claimed exclusively as the right-of-way for railroads, with all the tracks and substructures and superstructures which support the same, together with all side tracks, second tracks, turn-outs, station houses, depots, round houses, machine shops, or other buildings belonging to the company, used in the operation thereof, without separating the same into land and improvements, shall be assessed as real property. And the rolling stock and other movable property belonging to any railroad or logging railroad company shall be considered as personal property and taxed as such:

PROVIDED, That all of the operating property of street railway companies shall be assessed and taxed as personal property.

(2) All of the operating property of airplane companies, telegraph companies, pipe line companies, water companies and toll bridge companies; the floating equipment of steamboat companies, and all of the operating property other than lands and buildings of electric light and power companies, telephone companies, gas companies and heating companies shall be assessed and taxed as personal property.

(3) Notwithstanding subsections (1) and (2) of this section, the limit provided under section 105 of this act shall be applied in the assessment of property under this section to the same extent as that limit is generally applied to property not assessed under this chapter.

Sec. 115. RCW 84.12.310 and 1994 c 301 s 21 are each amended to read as follows:

For the purpose of determining the system value of the operating property of any such company, the department of revenue shall deduct from the ~~((true and fair))~~ assessed value of the total assets of such company, the ~~((actual cash))~~ assessed value of all nonoperating property owned by such company. For such purpose the department of revenue may require of the assessors of the various counties within this state a detailed list of such company's properties assessed by them, together with the assessable or assessed value thereof: PROVIDED, That such assessed or assessable value shall be advisory only and not conclusive on the department of revenue as to the value thereof.

Sec. 116. RCW 84.12.330 and 1994 c 301 s 22 are each amended to read as follows:

Upon the assessment roll shall be placed after the name of each company a general description of the operating property of the company, which shall be considered sufficient if described in the language of ~~((subdivision (17) of))~~ RCW 84.12.200(13), as applied to ~~((said))~~ the company, following which shall be entered the ~~((true and fair))~~ assessed value of the operating property as determined by the department of revenue. No assessment shall be invalidated by reason of a mistake in the name of the company assessed, or the omission of the name of the owner or by the entry as owner of a name other than that of the true owner. When the department of revenue shall have prepared the assessment roll and entered thereon the ~~((true and fair))~~ assessed value of the operating property of the company, as herein required, it shall notify the company by mail of the valuation determined by it and entered upon ~~((said))~~ the roll.

Sec. 117. RCW 84.12.350 and 1994 c 301 s 23 are each amended to read as follows:

Upon determination by the department of revenue of the ~~((true and fair))~~ assessed value of the property appearing on such rolls it shall apportion such value to the respective counties entitled thereto, as hereinafter provided, and shall determine the equalized assessed valuation of such property in each such county and in the several taxing districts therein, by applying to such actual apportioned value the same ratio as the ratio of assessed to ~~((actual))~~ the correct assessed value of the general property in such county: PROVIDED, That, whenever the amount of the true and correct assessed value of the operating property of any company otherwise apportionable to any county or other taxing district shall be less than two hundred fifty dollars, such amount need not be apportioned to such county or taxing district but may be added to the amount apportioned to an adjacent county or taxing district.

Sec. 118. RCW 84.12.360 and 1994 c 301 s 24 are



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each amended to read as follows:

The ~~((true and fair))~~ value of the operating property assessed to a company, as fixed and determined by the department of revenue, shall be apportioned by the department of revenue to the respective counties and to the taxing districts thereof wherein such property is located in the following manner:

(1) Property of all railroad companies other than street railroad companies, telegraph companies and pipe line companies—upon the basis of that proportion of the value of the total operating property within the state which the mileage of track, as classified by the department of revenue (in case of railroads), mileage of wire (in the case of telegraph companies), and mileage of pipe line (in the case of pipe line companies) within each county or taxing district bears to the total mileage thereof within the state, at the end of the calendar year last past. For the purpose of such apportionment the department may classify railroad track.

(2) Property of street railroad companies, telephone companies, electric light and power companies, gas companies, water companies, heating companies and toll bridge companies—upon the basis of relative value of the operating property within each county and taxing district to the value of the total operating property within the state to be determined by such factors as the department of revenue shall deem proper.

(3) Planes or other aircraft of airplane companies and watercraft of steamboat companies—upon the basis of such factor or factors of allocation, to be determined by the department of revenue, as will secure a substantially fair and equitable division between counties and other taxing districts.

All other property of airplane companies and steamboat companies—upon the basis set forth in subsection (2) of this section.

The basis of apportionment with reference to all public utility companies above prescribed shall not be deemed exclusive and the department of revenue in apportioning values of such companies may also take into consideration such other information, facts, circumstances, or allocation factors as will enable it to make a substantially just and correct valuation of the operating property of such companies within the state and within each county thereof.

Sec. 119. RCW 84.16.040 and 1994 c 301 s 26 are each amended to read as follows:

The department of revenue shall annually make an assessment of the operating property of each private car company; and between the first day of May and the first day of July of each of said years shall prepare an assessment roll upon which it shall enter ~~((and assess))~~ the ~~((true and fair))~~ assessed value of all the operating property of each of such companies as of the first day of January of the year in which the assessment is made. For the purpose of determining the ~~((true and fair))~~ assessed value of such property the department of revenue may take into consideration any information or knowledge obtained by it from an examination and inspection of such property, or of the books, records and accounts of such companies, the statements filed as required by this chapter, the reports, statements or returns of such companies filed in the office of any board, office or commission of this state or any county thereof, the earnings and earning power of such

companies, the franchises owned or used by such companies, the assessed valuation of any and all property of such companies, whether operating property or nonoperating property, and whether situated within or without the state, and any other facts, evidences or information that may be obtainable bearing upon the value of the operating property: PROVIDED, That in no event shall any statement or report required from any company by this chapter be conclusive upon the department of revenue in determining the amount, character and ~~((true and fair))~~ assessed value of the operating property of such company.

Sec. 120. RCW 84.16.050 and 1994 c 301 s 27 are each amended to read as follows:

The department of revenue may, in determining the ~~((true and fair))~~ assessed value of the operating property to be placed on the assessment roll value the entire property as a unit. If the company owns, leases, operates or uses property partly within and partly without the state, the department of revenue may determine the value of the operating property within this state by the proportion that the value of such property bears to the value of the entire operating property of the company, both within and without this state. In determining the operating property which is located within this state the department of revenue may consider and base such determination on the proportion which the number of car miles of the various classes of cars made in this state bears to the total number of car miles made by the same cars within and without this state, or to the total number of car miles made by all cars of the various classes within and without this state. If the value of the operating property of the company cannot be fairly determined in such manner the department of revenue may use any other reasonable and fair method to determine the value of the operating property of the company within this state.

Sec. 121. RCW 84.16.090 and 1994 c 301 s 28 are each amended to read as follows:

Upon the assessment roll shall be placed after the name of each company a general description of the operating property of the company, which shall be considered sufficient if described in the language of ~~((subsection (3) of))~~ RCW 84.16.010(3) or otherwise, following which shall be entered the ~~((true and fair))~~ assessed value of the operating property as determined by the department of revenue. No assessment shall be invalid by a mistake in the name of the company assessed, by omission of the name of the owner or by the entry of a name other than that of the true owner. When the department of revenue shall have prepared the assessment roll and entered thereon the ~~((true and fair))~~ assessed value of the operating property of the company, as ~~((herein))~~ required, it shall notify the company by mail of the valuation determined by it and entered upon ~~((said))~~ the roll; and thereupon such assessed valuation shall become the ~~((true and fair))~~ assessed value of the operating property of the company, subject to revision or correction by the department of revenue as hereinafter provided; and shall be the valuation upon which, after equalization by the department of revenue as hereinafter provided, the taxes of such company shall be based and computed.

Sec. 122. RCW 84.16.110 and 1994 c 301 s 29 are each amended to read as follows:

Upon determination by the department of revenue of the true and ~~((fair))~~ correct assessed value of the property appearing on such rolls the department shall apportion such value to the respective counties entitled thereto as hereinafter provided, and shall determine the equalized or assessed valuation of such property in such counties by applying to



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such actual apportioned value the same ratio as the ratio of assessed to ~~((actual))~~ the correct assessed value of the general property of the respective counties: PROVIDED, That, whenever the amount of the true and correct assessed value of the operating property of any company otherwise apportionable to any county shall be less than two hundred fifty dollars, such amount need not be apportioned to such county but may be added to the amount apportioned to an adjacent county.

Sec. 123. RCW 84.16.120 and 1994 c 301 s 30 are each amended to read as follows:

The ~~((true and fair))~~ assessed value of the property of each company as fixed and determined by the department of revenue as herein provided shall be apportioned to the respective counties in the following manner:

(1) If all the operating property of the company is situated entirely within a county and none of such property is located within, extends into, or through or is operated into or through any other county, the entire value thereof shall be apportioned to the county within which such property is ~~((situate [situated]))~~ situated, located, and operated.

(2) If the operating property of any company is situated or located within, extends into or is operated into or through more than one county, the value thereof shall be apportioned to the respective counties into or through which its cars are operated in the proportion that the length of main line track of the respective railroads moving such cars in such counties bears to the total length of main line track of such respective railroads in this state.

(3) If the property of any company is of such character that it will not be reasonable, feasible or fair to apportion the value as hereinabove provided, the value thereof shall be apportioned between the respective counties into or through which such property extends or is operated or in which the same is located in such manner as may be reasonable, feasible and fair.

Sec. 124. RCW 84.36.041 and 1993 c 151 s 1 are each amended to read as follows:

(1) All real and personal property used by a nonprofit home for the aging that is reasonably necessary for the purposes of the home is exempt from taxation if the benefit of the exemption inures to the home and:

(a) At least fifty percent of the occupied dwelling units in the home are occupied by eligible residents; or

(b) The home is subsidized under a federal department of housing and urban development program. The department of revenue shall provide by rule a definition of homes eligible for exemption under this subsection (b), consistent with the purposes of this section.

(2) All real and personal property used by a nonprofit home for the aging that is reasonably necessary for the purposes of the home is exempt from taxation if the benefit of the exemption inures to the home and the construction, rehabilitation, acquisition, or refinancing of the home is financed under a program using bonds exempt from federal income tax if at least seventy-five percent of the total amount financed uses the tax exempt bonds and the financing program requires the home to reserve a percentage of all dwelling units so financed for low-income residents. The initial term of the

exemption under this subsection shall equal the term of the tax exempt bond used in connection with the financing program, or the term of the requirement to reserve dwelling units for low-income residents, whichever is shorter. If the financing program involves less than the entire home, only those dwelling units included in the financing program are eligible for total exemption. The department of revenue shall provide by rule the requirements for monitoring compliance with the provisions of this subsection and the requirements for exemption including:

(a) The number or percentage of dwelling units required to be occupied by low-income residents, and a definition of low income;

(b) The type and character of the dwelling units, whether independent units or otherwise; and

(c) Any particular requirements for continuing care retirement communities.

(3) A home for the aging is eligible for a partial exemption on the real property and a total exemption for the home's personal property if the home does not meet the requirements of subsection (1) of this section because fewer than fifty percent of the occupied dwelling units are occupied by eligible residents, as follows:

(a) A partial exemption shall be allowed for each dwelling unit in a home occupied by a resident requiring assistance with activities of daily living.

(b) A partial exemption shall be allowed for each dwelling unit in a home occupied by an eligible resident.

(c) A partial exemption shall be allowed for an area jointly used by a home for the aging and by a nonprofit organization, association, or corporation currently exempt from property taxation under one of the other provisions of this chapter. The shared area must be reasonably necessary for the purposes of the nonprofit organization, association, or corporation exempt from property taxation under one of the other provisions of this chapter, such as kitchen, dining, and laundry areas.

(d) The amount of exemption shall be calculated by multiplying the assessed value of the property reasonably necessary for the purposes of the home, less the assessed value of any area exempt under (c) of this subsection, by a fraction. The numerator of the fraction is the number of dwelling units occupied by eligible residents and by residents requiring assistance with activities of daily living. The denominator of the fraction is the total number of occupied dwelling units as of January 1st of the year for which exemption is claimed.

(4) To be exempt under this section, the property must be used exclusively for the purposes for which the exemption is granted, except as provided in RCW 84.36.805.

(5) A home for the aging is exempt from taxation only if the organization operating the home is exempt from income tax under section 501(c) of the federal internal revenue code as existing on January 1, 1989, or such subsequent date as the director may provide by rule consistent with the purposes of this section.

(6) In order for the home to be eligible for exemption under subsections (1)(a) and (2)(b) of this section, each eligible resident of a home for the aging shall submit an income verification form to the county assessor by July 1st of the assessment year in which the application for exemption is made. The income verification form shall be prescribed and furnished by the department of revenue. An eligible resident who has filed a form for a previous year need not file a new form until there is a change in status affecting the person's eligibility.

(7) In determining the ~~((true and fair))~~ assessed value of a home for the aging for purposes of the partial exemption provided by subsection (3) of this section, the assessor shall apply the computation method provided by RCW 84.34.060 and shall consider only the use to which such property is applied during the years for which such partial exemptions are



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available and shall not consider potential uses of such property.

(8) A home for the aging that was exempt or partially exempt for taxes levied in 1993 for collection in 1994 is partially exempt for taxes levied in 1994 for collection in 1995, has an increase in taxable value for taxes levied in 1994 for collection in 1995 due to the change prescribed by chapter 151, Laws of 1993 with respect to the numerator of the fraction used to determine the amount of a partial exemption, and is not fully exempt under this section is entitled to partial exemptions as follows:

(a) For taxes levied in 1994 for collection in 1995, the home shall pay taxes based upon the taxable value in 1993 plus one-third of the increase in the taxable value from 1993 to the nonexempt value calculated under subsection (3)(d) of this section for 1994.

(b) For taxes levied in 1995 for collection in 1996, the home shall pay taxes based upon the taxable value for 1994 as calculated in (a) of this subsection plus one-half of the increase in the taxable value from 1994 to the nonexempt value calculated under subsection (3)(d) of this section for 1995. For taxes levied in 1996 for collection in 1997 and for taxes levied thereafter, this subsection (8) does not apply, and the home shall pay taxes without reference to this subsection (8).

(c) For purposes of this subsection (8), "taxable value" means the value of the home upon which the tax rate is applied in order to determine the amount of taxes due.

(9) As used in this section:

(a) "Eligible resident" means a person who:

(i) Occupied the dwelling unit as a principal place of residence as of January 1st of the year for which the exemption is claimed. Confinement of the person to a hospital or nursing home does not disqualify the claim of exemption if the dwelling unit is temporarily unoccupied or if the dwelling unit is occupied by a spouse, a person financially dependent on the claimant for support, or both; and

(ii) Is sixty-one years of age or older on December 31st of the year in which the exemption claim is filed, or is, at the time of filing, retired from regular gainful employment by reason of physical disability. Any surviving spouse of a person who was receiving an exemption at the time of the person's death shall qualify if the surviving spouse is fifty-seven years of age or older and otherwise meets the requirements of this subsection; and

(iii) Has a combined disposable income of no more than the greater of twenty-two thousand dollars or eighty percent of the median income adjusted for family size as most recently determined by the federal department of housing and urban development for the county in which the person resides. For the purposes of determining eligibility under this section, a "cotenant" means a person who resides with an eligible resident and who shares personal financial resources with the eligible resident.

(b) "Combined disposable income" means the disposable income of the person submitting the income verification form, plus the disposable income of his or her spouse, and the disposable income of each cotenant occupying the dwelling unit for the preceding calendar year, less amounts paid by the person submitting the income verification form or his or her spouse or cotenant during the previous year for the treatment or care of either person received in the dwelling unit or in a nursing home. If the

person submitting the income verification form was retired for two months or more of the preceding year, the combined disposable income of such person shall be calculated by multiplying the average monthly combined disposable income of such person during the months such person was retired by twelve. If the income of the person submitting the income verification form is reduced for two or more months of the preceding year by reason of the death of the person's spouse, the combined disposable income of such person shall be calculated by multiplying the average monthly combined disposable income of such person after the death of the spouse by twelve.

(c) "Disposable income" means adjusted gross income as defined in the federal internal revenue code, as amended prior to January 1, 1989, or such subsequent date as the director may provide by rule consistent with the purpose of this section, plus all of the following items to the extent they are not included in or have been deducted from adjusted gross income:

(i) Capital gains, other than nonrecognized gain on the sale of a principal residence under section 1034 of the federal internal revenue code, or gain excluded from income under section 121 of the federal internal revenue code to the extent it is reinvested in a new principal residence;

(ii) Amounts deducted for loss;

(iii) Amounts deducted for depreciation;

(iv) Pension and annuity receipts;

(v) Military pay and benefits other than attendant-care and medical-aid payments;

(vi) Veterans benefits other than attendant-care and medical-aid payments;

(vii) Federal social security act and railroad retirement benefits;

(viii) Dividend receipts; and

(ix) Interest received on state and municipal bonds.

(d) "Resident requiring assistance with activities of daily living" means a person who requires significant assistance with the activities of daily living and who would be at risk of nursing home placement without this assistance.

(e) "Home for the aging" means a residential housing facility that (i) provides a housing arrangement chosen voluntarily by the resident, the resident's guardian or conservator, or another responsible person; (ii) has only residents who are at least sixty-one years of age or who have needs for care generally compatible with persons who are at least sixty-one years of age; and (iii) provides varying levels of care and supervision, as agreed to at the time of admission or as determined necessary at subsequent times of reappraisal.

(10) A for-profit home for the aging that converts to nonprofit status after June 11, 1992, and would otherwise be eligible for tax exemption under this section may not receive the tax exemption until five years have elapsed since the conversion. The exemption shall then be ratably granted over the next five years.

Sec. 125. RCW 84.52.063 and 1973 1st ex.s. c 195 s 105 are each amended to read as follows:

A rural library district may impose a regular property tax levy in an amount equal to that which would be produced by a levy of fifty cents per thousand dollars of assessed value multiplied by an equalized assessed valuation (~~equal to one hundred percent of the true and fair value of the taxable property in the rural library district~~), as determined by the department of revenue's indicated county ratio: PROVIDED, That when any county assessor shall find that the aggregate rate of levy on any property will exceed the limitation set forth in RCW 84.52.043 and ((RCW)) 84.52.050, as now or hereafter amended, before recomputing and establishing a consolidated levy in the manner set forth in RCW 84.52.010, the assessor



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shall first reduce the levy of any rural library district, by such amount as may be necessary, but the levy of any rural library district shall not be reduced to less than fifty cents per thousand dollars against the value of the taxable property, as determined by the county, prior to any further adjustments pursuant to RCW 84.52.010. For purposes of this section "regular property tax levy" shall mean a levy subject to the limitations provided for in Article VII, section 2 of the state Constitution and/or by statute.

Sec. 126. RCW 84.70.010 and 1994 c 301 s 56 are each amended to read as follows:

(1) If, on or before December 31 in any calendar year, any real or personal property placed upon the assessment roll of that year is destroyed in whole or in part, or is in an area that has been declared a disaster area by the governor and has been reduced in value by more than twenty percent as a result of a natural disaster, the ~~((true and fair))~~ assessed value of such property shall be reduced for that year by an amount determined as follows:

(a) First take the ~~((true and fair))~~ assessed value of such taxable property before destruction or reduction in value and deduct therefrom the true and fair value of the remaining property after destruction or reduction in value.

(b) Then divide any amount remaining by the number of days in the year and multiply the quotient by the number of days remaining in the calendar year after the date of the destruction or reduction in value of the property.

(2) No reduction in the ~~((true and fair))~~ assessed value shall be made more than three years after the date of destruction or reduction in value.

(3) The assessor shall make such reduction on his or her own motion; however, the taxpayer may make application for reduction on forms prepared by the department and provided by the assessor. The assessor shall notify the taxpayer of the amount of reduction.

(4) If destroyed property is replaced prior to the valuation dates contained in RCW 36.21.080 and 36.21.090, the total taxable value for that year shall not exceed the value as of the appropriate valuation date in RCW 36.21.080 or 36.21.090, whichever is appropriate.

(5) The taxpayer may appeal the amount of reduction to the county board of equalization within thirty days of notification or July 1st of the year of reduction, whichever is later. The board shall reconvene, if necessary, to hear the appeal.

**PART II
106 PERCENT LIMIT**

Sec. 201. RCW 84.55.005 and 1994 c 301 s 49 are each amended to read as follows:

As used in this chapter ~~((, the term))~~:

(1) "Inflation" means the percentage change in the implicit price deflator for personal consumption expenditures for the United States as published for the most recent twelve-month period by the bureau of economic analysis of the federal department of commerce in September of the year before the taxes are payable;

(2) "Limit factor" means:

(a) For taxing districts with a population of less than ten thousand in the calendar year prior to the assessment year,

one hundred six percent;

(b) For taxing districts for which a limit factor is authorized under section 204 of this act, the lesser of the limit factor authorized under that section or one hundred six percent;

(c) For all other districts, the lesser of one hundred six percent or one hundred percent plus inflation; and

(3) "Regular property taxes" has the meaning given it in RCW 84.04.140, and also includes amounts received in lieu of regular property taxes.

Sec. 202. RCW 84.55.010 and 1979 ex.s. c 218 s 2 are each amended to read as follows:

Except as provided in this chapter, the levy for a taxing district in any year shall be set so that the regular property taxes payable in the following year shall not exceed ~~((one hundred six percent of))~~ the limit factor multiplied by the amount of regular property taxes lawfully levied for such district in the highest of the three most recent years in which such taxes were levied for such district plus an additional dollar amount calculated by multiplying the increase in assessed value in that district resulting from new construction, improvements to property, and any increase in the assessed value of state-assessed property by the regular property tax levy rate of that district for the preceding year.

Sec. 203. RCW 84.55.020 and 1971 ex.s. c 288 s 21 are each amended to read as follows:

Notwithstanding the limitation set forth in RCW 84.55.010, the first levy for a taxing district created from consolidation of similar taxing districts shall be set so that the regular property taxes payable in the following year shall not exceed ~~((one hundred six percent of))~~ the limit factor multiplied by the sum of the amount of regular property taxes lawfully levied for each component taxing district in the highest of the three most recent years in which such taxes were levied for such district plus the additional dollar amount calculated by multiplying the increase in assessed value in each component district resulting from new construction and improvements to property by the regular property tax rate of each component district for the preceding year.

NEW SECTION. Sec. 204. A new section is added to chapter 84.55 RCW to read as follows:

Upon a finding of substantial need, the legislative authority of a taxing district other than the state may provide for the use of a limit factor under this chapter of one hundred six percent or less. In districts with legislative authorities of four members or less, two-thirds of the members must approve an ordinance or resolution under this section. In districts with more than four members, a majority plus one vote must approve an ordinance or resolution under this section. The new limit factor shall be effective for taxes collected in the following year only.

Sec. 205. RCW 35.61.210 and 1990 c 234 s 3 are each amended to read as follows:

The board of park commissioners may levy or cause to be levied a general tax on all the property located in said park district each year not to exceed fifty cents per thousand dollars of assessed value of the property in such park district. In addition, the board of park commissioners may levy or cause to be levied a general tax on all property located in said park district each year not to exceed twenty-five cents per thousand dollars of assessed valuation. Although park districts are authorized to impose two separate regular property tax levies, the levies shall be considered to be a single levy for purposes of the ~~((one hundred six percent))~~ limitation provided for in



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chapter 84.55 RCW.

The board is hereby authorized to levy a general tax in excess of its regular property tax levy or levies when authorized so to do at a special election conducted in accordance with and subject to all the requirements of the Constitution and laws of the state now in force or hereafter enacted governing the limitation of tax levies. The board is hereby authorized to call a special election for the purpose of submitting to the qualified voters of the park district a proposition to levy a tax in excess of the seventy-five cents per thousand dollars of assessed value herein specifically authorized. The manner of submitting any such proposition, of certifying the same, and of giving or publishing notice thereof, shall be as provided by law for the submission of propositions by cities or towns.

The board shall include in its general tax levy for each year a sufficient sum to pay the interest on all outstanding bonds and may include a sufficient amount to create a sinking fund for the redemption of all outstanding bonds. The levy shall be certified to the proper county officials for collection the same as other general taxes and when collected, the general tax shall be placed in a separate fund in the office of the county treasurer to be known as the "metropolitan park district fund" and paid out on warrants.

Sec. 206. RCW 70.44.060 and 1990 c 234 s 2 are each amended to read as follows:

All public hospital districts organized under the provisions of this chapter shall have power:

(1) To make a survey of existing hospital and other health care facilities within and without such district.

(2) To construct, condemn and purchase, purchase, acquire, lease, add to, maintain, operate, develop and regulate, sell and convey all lands, property, property rights, equipment, hospital and other health care facilities and systems for the maintenance of hospitals, buildings, structures, and any and all other facilities, and to exercise the right of eminent domain to effectuate the foregoing purposes or for the acquisition and damaging of the same or property of any kind appurtenant thereto, and such right of eminent domain shall be exercised and instituted pursuant to a resolution of the commission and conducted in the same manner and by the same procedure as in or may be provided by law for the exercise of the power of eminent domain by incorporated cities and towns of the state of Washington in the acquisition of property rights: PROVIDED, That no public hospital district shall have the right of eminent domain and the power of condemnation against any health care facility.

(3) To lease existing hospital and other health care facilities and equipment and/or other property used in connection therewith, including ambulances, and to pay such rental therefor as the commissioners shall deem proper; to provide hospital and other health care services for residents of said district by facilities located outside the boundaries of said district, by contract or in any other manner said commissioners may deem expedient or necessary under the existing conditions; and said hospital district shall have the power to contract with other communities, corporations, or individuals for the services provided by said hospital district; and they may further receive in said hospitals and other health care facilities and furnish proper and adequate services to all persons not residents of said district at such reasonable and

fair compensation as may be considered proper: PROVIDED, That it must at all times make adequate provision for the needs of the district and residents of said district shall have prior rights to the available hospital and other health care facilities of said district, at rates set by the district commissioners.

(4) For the purpose aforesaid, it shall be lawful for any district so organized to take, condemn and purchase, lease, or acquire, any and all property, and property rights, including state and county lands, for any of the purposes aforesaid, and any and all other facilities necessary or convenient, and in connection with the construction, maintenance, and operation of any such hospitals and other health care facilities, subject, however, to the applicable limitations provided in subsection (2) of this section.

(5) To contract indebtedness or borrow money for corporate purposes on the credit of the corporation or the revenues of the hospitals thereof, and the revenues of any other facilities or services that the district is or hereafter may be authorized by law to provide, and to issue and sell: (a) Revenue bonds, revenue warrants, or other revenue obligations therefor payable solely out of a special fund or funds into which the district may pledge such amount of the revenues of the hospitals thereof, and the revenues of any other facilities or services that the district is or hereafter may be authorized by law to provide, to pay the same as the commissioners of the district may determine, such revenue bonds, warrants, or other obligations to be issued and sold in the same manner and subject to the same provisions as provided for the issuance of revenue bonds, warrants, or other obligations by cities or towns under the Municipal Revenue Bond Act, chapter 35.41 RCW, as may hereafter be amended; (b) general obligation bonds therefor in the manner and form as provided in RCW 70.44.110 and 70.44.130, as may hereafter be amended; or (c) interest-bearing warrants to be drawn on a fund pending deposit in such fund of money sufficient to redeem such warrants and to be issued and paid in such manner and upon such terms and conditions as the board of commissioners may deem to be in the best interest of the district; and to assign or sell hospital accounts receivable, and accounts receivable for the use of other facilities or services that the district is or hereafter may be authorized by law to provide, for collection with or without recourse. General obligation bonds shall be issued and sold in accordance with chapter 39.46 RCW. Revenue bonds, revenue warrants, or other revenue obligations may be issued and sold in accordance with chapter 39.46 RCW.

(6) To raise revenue by the levy of an annual tax on all taxable property within such public hospital district not to exceed fifty cents per thousand dollars of assessed value, and an additional annual tax on all taxable property within such public hospital district not to exceed twenty-five cents per thousand dollars of assessed value, or such further amount as has been or shall be authorized by a vote of the people. Although public hospital districts are authorized to impose two separate regular property tax levies, the levies shall be considered to be a single levy for purposes of the ((one hundred six percent)) limitation provided for in chapter 84.55 RCW. Public hospital districts are authorized to levy such a general tax in excess of their regular property taxes when authorized so to do at a special election conducted in accordance with and subject to all of the requirements of the Constitution and the laws of the state of Washington now in force or hereafter enacted governing the limitation of tax levies. The said board of district commissioners is authorized and empowered to call a special election for the purpose of submitting to the qualified voters of the hospital district a proposition or propositions to levy taxes in excess of their regular property taxes. The superintendent shall prepare a proposed budget of the contemplated financial transactions for the



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ensuing year and file the same in the records of the commission on or before the first Monday in September. Notice of the filing of said proposed budget and the date and place of hearing on the same shall be published for at least two consecutive weeks in a newspaper printed and of general circulation in said county. On the first Monday in October the commission shall hold a public hearing on said proposed budget at which any taxpayer may appear and be heard against the whole or any part of the proposed budget. Upon the conclusion of said hearing, the commission shall, by resolution, adopt the budget as finally determined and fix the final amount of expenditures for the ensuing year. Taxes levied by the commission shall be certified to and collected by the proper county officer of the county in which such public hospital district is located in the same manner as is or may be provided by law for the certification and collection of port district taxes. The commission is authorized, prior to the receipt of taxes raised by levy, to borrow money or issue warrants of the district in anticipation of the revenue to be derived by such district from the levy of taxes for the purpose of such district, and such warrants shall be redeemed from the first money available from such taxes when collected, and such warrants shall not exceed the anticipated revenues of one year, and shall bear interest at a rate or rates as authorized by the commission.

(7) To enter into any contract with the United States government or any state, municipality, or other hospital district, or any department of those governing bodies, for carrying out any of the powers authorized by this chapter.

(8) To sue and be sued in any court of competent jurisdiction: PROVIDED, That all suits against the public hospital district shall be brought in the county in which the public hospital district is located.

(9) To pay actual necessary travel expenses and living expenses incurred while in travel status for (a) qualified physicians who are candidates for medical staff positions, and (b) other qualified persons who are candidates for superintendent or other managerial and technical positions, when the district finds that hospitals or other health care facilities owned and operated by it are not adequately staffed and determines that personal interviews with said candidates to be held in the district are necessary or desirable for the adequate staffing of said facilities.

(10) To make contracts, employ superintendents, attorneys, and other technical or professional assistants and all other employees; to make contracts with private or public institutions for employee retirement programs; to print and publish information or literature; and to do all other things necessary to carry out the provisions of this chapter.

Sec. 207. RCW 84.08.115 and 1991 c 218 s 2 are each amended to read as follows:

(1) The department shall prepare a clear and succinct explanation of the property tax system, including but not limited to:

(a) The standard of true and fair value as the basis of the property tax.

(b) How the assessed value for particular parcels is determined.

(c) The procedures and timing of the assessment process.

(d) How district levy rates are determined, including the ~~((one hundred six percent))~~ limit under chapter 84.55 RCW.

(e) How the composite tax rate is determined.

(f) How the amount of tax is calculated.

(g) How a taxpayer may appeal an assessment, and what issues are appropriate as a basis of appeal.

(h) A summary of tax exemption and relief programs, along with the eligibility standards and application processes.

(2) Each county assessor shall provide copies of the explanation to taxpayers on request, free of charge. Each revaluation notice shall include information regarding the availability of the explanation.

NEW SECTION. Sec. 208. It is the intent of sections 201 through 207 of this act to lower the one hundred six percent limit while still allowing taxing districts to raise revenues in excess of the limit if approved by a majority of the voters as provided in RCW 84.55.050.

Sec. 209. RCW 84.55.120 and 1995 c 251 s 1 are each amended to read as follows:

A taxing district, other than the state, that collects regular levies shall hold a public hearing on revenue sources for the district's following year's current expense budget. The hearing must include consideration of possible increases in property tax revenues and shall be held prior to the time the taxing district levies the taxes or makes the request to have the taxes levied. The county legislative authority, or the taxing district's governing body if the district is a city, town, or other type of district, shall hold the hearing. For purposes of this section, "current expense budget" means that budget which is primarily funded by taxes and charges and reflects the provision of ongoing services. It does not mean the capital, enterprise, or special assessment budgets of cities, towns, counties, or special purpose districts.

If the taxing district is otherwise required to hold a public hearing on its proposed regular tax levy, a single public hearing may be held on this matter.

No increase in property tax revenue, other than that resulting from the addition of new construction and improvements to property and any increase in the value of state-assessed property, may be authorized by a taxing district, other than the state, except by adoption of a separate ordinance or resolution, pursuant to notice, specifically authorizing the increase in terms of both dollars and percentage. The ordinance or resolution may cover a period of up to two years, but the ordinance shall specifically state for each year the dollar increase and percentage change in the levy from the previous year.

PART III PERMANENT STATE LEVY REDUCTION

NEW SECTION. Sec. 301. A new section is added to chapter 84.55 RCW to read as follows:

The state property tax levy for collection in 1998 shall be reduced by 4.7187 percent of the levy amount that would otherwise be allowed under this chapter without regard to this section.

PART V MISCELLANEOUS

NEW SECTION. Sec. 501. (1) Sections 101 through 126 of this act apply to taxes levied for collection in 1999 and thereafter.

(2) Sections 201 through 207 of this act apply to taxes levied for collection in 1998 and thereafter.



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NEW SECTION. Sec. 502. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 503. Part headings used in this act are not any part of the law.

NEW SECTION. Sec. 504. Except for section 401 of this act, the secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation.

The following section of Chapter 3, Laws of 1997, was not referred to the voters by the Legislature as part of Referendum 47. It has been included here so that voters will be aware of which provision of Chapter 3, Laws of 1997, have or will become effective, independent of the vote on the Referendum Bill.

**PART IV
REPEAL OF PERMANENT STATE LEVY REDUCTION
UNDER ENGROSSED HOUSE BILL NO. 1417**

NEW SECTION. Sec. 401. The following acts or parts of acts are each repealed:

- (1) RCW 84.55.--- and 1997 c 2 s 2; and
- (2) 1997 c 2 s 5 (uncodified).



**COMPLETE TEXT OF
House Joint Resolution 4208**

BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in this state the secretary of state shall submit to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article VII, section 2 of the Constitution of the state of Washington to read as follows:

Article VII, section 2. Except as hereinafter provided and notwithstanding any other provision of this Constitution, the aggregate of all tax levies upon real and personal property by the state and all taxing districts now existing or hereafter created, shall not in any year exceed one (~~(per centum)~~) percent of the true and fair value of such property in money: *Provided, however,* That nothing herein shall prevent levies at the rates now provided by law by or for any port or public utility district. The term "taxing district" for the purposes of this section shall mean any political subdivision, municipal corporation, district, or other governmental agency authorized by law to levy, or have levied for it, ad valorem taxes on property, other than a port or public utility district. Such aggregate

limitation or any specific limitation imposed by law in conformity therewith may be exceeded only as follows:

(a) By any taxing district when specifically authorized so to do by a majority of at least three-fifths of the (~~(electors thereof)~~) voters of the taxing district voting on the proposition to levy such additional tax submitted not more than twelve months prior to the date on which the proposed levy is to be made and not oftener than twice in such twelve month period, either at a special election or at the regular election of such taxing district, at which election the number of (~~(persons)~~) voters voting "yes" on the proposition shall constitute three-fifths of a number equal to forty (~~(per centum)~~) percent of the total (~~(votes cast)~~) number of voters voting in such taxing district at the last preceding general election when the number of (~~(electors)~~) voters voting on the proposition does not exceed forty (~~(per centum)~~) percent of the total (~~(votes cast)~~) number of voters voting in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the (~~(electors thereof)~~) voters of the taxing district voting on the proposition to levy when the number of (~~(electors)~~) voters voting on the proposition exceeds forty (~~(per centum)~~) percent of the (~~(total votes cast)~~) number of voters voting in such taxing district in the last preceding general election: *Provided,* That notwithstanding any other provision of this Constitution, any proposition pursuant to this subsection to levy additional tax for the support of the common schools may provide such support for a (~~(two year)~~) period of up to four years and any proposition to levy an additional tax to support the construction, modernization, or remodelling of school facilities may provide such support for a period not exceeding six years;

(b) By any taxing district otherwise authorized by law to issue general obligation bonds for capital purposes, for the sole purpose of making the required payments of principal and interest on general obligation bonds issued solely for capital purposes, other than the replacement of equipment, when authorized so to do by majority of at least three-fifths of the (~~(electors thereof)~~) voters of the taxing district voting on the proposition to issue such bonds and to pay the principal and interest thereon by (~~(an)~~) annual tax (levy) levies in excess of the limitation herein provided during the term of such bonds, submitted not oftener than twice in any calendar year, at an election held in the manner provided by law for bond elections in such taxing district, at which election the total number of (~~(persons)~~) voters voting on the proposition shall constitute not less than forty (~~(per centum)~~) percent of the total number of (~~(votes cast)~~) voters voting in such taxing district at the last preceding general election: *Provided,* That any such taxing district shall have the right by vote of its governing body to refund any general obligation bonds of said district issued for capital purposes only, and to provide for the interest thereon and amortization thereof by annual levies in excess of the tax limitation provided for herein, *And provided further,* That the provisions of this section shall also be subject to the limitations contained in Article VIII, Section 6, of this Constitution;

(c) By the state or any taxing district (~~(for the purpose of paying the principal or interest on general obligation bonds outstanding on December 6, 1934; or)~~) for the purpose of preventing the impairment of the obligation of a contract when ordered so to do by a court of last resort.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of this constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.



COMPLETE TEXT OF House Joint Resolution 4209

BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in this state the secretary of state shall submit to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article VIII, section 10 of the Constitution of the state of Washington to read as follows:

Article VIII, section 10. Notwithstanding the provisions of section 7 of this Article, any county, city, town, quasi municipal corporation, municipal corporation, or political subdivision of the state which is engaged in the sale or distribution of water ((~~or~~), energy, or stormwater or sewer services) may, as authorized by the legislature, use public moneys or credit derived from operating revenues from the sale of water ((~~or~~), energy, or stormwater or sewer services) to assist the owners of structures or equipment in financing the acquisition and installation of materials and equipment for the conservation or more efficient use of water ((~~or~~), energy, or stormwater or sewer services) in such structures or equipment. Except as provided in section 7 of this Article, an appropriate charge back shall be made for such extension of public moneys or credit and the same shall be a lien against the structure benefited or a security interest in the equipment benefited. Any financing for energy conservation authorized by this article shall only be used for conservation purposes in existing structures and shall not be used for any purpose which results in a conversion from one energy source to another.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of this constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.



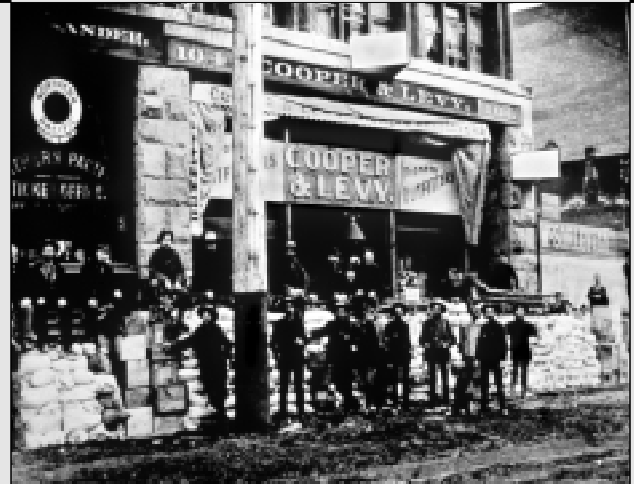
Cover Photo: Miner panning for gold, somewhere in Alaska, circa 1900. His hat has netting that can be pulled over his face to protect him from mosquitoes. (Negative #UW580.)

Cover Design: Brant Fitzgerald

PLEASE NOTE

In the preceding measures all words in double parentheses with a line through them are in State law and will be taken out if the measure is adopted. Underlined words do not appear in State law but will be put in if the measure is adopted.

To obtain a copy of the text of the proposed measures in larger print, call the Secretary of State's toll-free hotline--1-800-448-4881.



Cooper and Levy Pioneer Outfitters, First Ave. S. near Yesler Way, 1897, next to Northern Pacific Railway ticket office. The firm was one of many that profited from the Klondike Gold Rush by outfitting the goldseekers in Seattle before they boarded ships for the Yukon. (Negative #4771/1749.)



Tent store in Dawson City, Yukon Territory, Canada, June 21, 1899. (Negative #UW12851.)

The Office of the Secretary of State thanks the Special Collections and Preservation Division at the University of Washington's Allen Library for the photographs and the Klondike Gold Rush National Historic Park for its assistance.

VOTING IN THE STATE OF WASHINGTON

Voter qualifications

To register to vote in the state of Washington, you must be:

- A citizen of the United States
- A legal resident of Washington state
- At least 18 years old by election day

In the state of Washington, you do not have to register by political party or declare political party membership to vote in the state's regular primaries or general elections.

Registration deadlines

You may sign up to vote at any time, but you must be registered at least **30 days** in advance of an election if you wish to vote at a **polling place** on election day. If you miss the 30-day deadline, you may still register up to **15 days** prior to the election, but you must do so **in person** at a location designated by the county auditor or elections officer and you will be required to vote by absentee ballot.

How to register

Washington citizens have access to several convenient methods of signing up to vote:

- "Motor Voter" registration is offered when you renew or apply for your driver's license.
- Mail-in registration forms are available from your county auditor or elections department as well as many public libraries, schools and other government offices.
- You may use the Secretary of State's Web site to send us a request for a voter registration form. The address is <http://www.wa.gov/sec/voting/regform.htm> Please note that we are not able to e-mail voter registration forms.
- Or, you may request a form by filling out the box below and mailing it to the Office of the Secretary of State.

Change of residence

If you move to a **new** county, you must complete a new voter registration.

If you move within the **same** county, you do not need to re-register, but you must request a transfer of your registration. This can be done by calling or writing your county elections department, or by using a mail-in voter registration form. For your convenience, the phone number and address of your county auditor or election department is located in the back of this pamphlet.

NOTE: You must re-register or transfer your registration at least **30 days** before the election to be eligible to vote in your new precinct.

Absentee ballots

Any registered voter may apply for an absentee ballot. You may request an absentee ballot **as early as 45 days** before an election. Absentee ballots for the upcoming election may be requested either by phone or by mail from the county auditor or elections department (not the Secretary of State). You can find an absentee ballot request form on the back page of this pamphlet.

Once you receive your absentee/special ballot, vote it. **Please do not** attempt to vote at the poll site also. Absentee ballots must be signed and postmarked or delivered to the county elections officer **on or before election day**. No absentee ballots are issued on election day except to hospitalized voters.

NOTE: To automatically receive an absentee ballot before each election, you must apply in writing. You may use the absentee ballot request form located on the back page of this pamphlet. Once your application has been accepted you will receive an absentee ballot prior to each election you are qualified to vote in. If you have requested an absentee ballot or have a permanent request for an absentee ballot on file, please do not submit another application.

Election dates and poll hours

The General Election is November 4, 1997. Polling hours for all primaries and elections are **7:00 a.m. to 8:00 p.m.**

Information and additional services

By phone

Voters may call the Secretary of State Voter Information Hotline at 1-800-448-4881 (TDD for the hearing or speech impaired: 1-800-422-8683) for help with the following:

- If you have not received a Voters Pamphlet
- To request a Voters Pamphlet in any of four other versions: cassette-tape, Braille, Chinese-language and Spanish-language
- Voting and absentee ballots (you may also contact your county elections department)
- Lists of initiatives and referendums
- Help with finding your elected officials
- Washington Information Network (WIN) kiosk locations

Via Internet

- The Secretary of State's home page is located at <http://www.wa.gov/sec/>
- Elections Division electronic mail address: elections@secstate.wa.gov

Request for Mail-in Voter Registration Form (Please Print)

Name: _____

Address: _____

City: _____ ZIP Code: _____

Telephone: _____ No. of forms requested: _____

MAIL TO:

Office of the Secretary of State
Voter Registration Services
PO Box 40230 • Olympia, WA 98504-0230

COUNTY AUDITOR AND ELECTION DEPARTMENT CONTACT INFORMATION

These numbers
require special
telephone
equipment to
operate.

COUNTY AUDITOR ELECTIONS DIVISION	MAILING ADDRESS	CITY	ZIP	TELEPHONE NUMBER	TDD SERVICE ONLY for the speech or hearing impaired.
ADAMS	210 W BROADWAY	RITZVILLE	99169	(509) 659-0090 EXT 203	(509) 659-1122
ASOTIN	P O BOX 129	ASOTIN	99402	(509) 243-2084	1-800-855-1155
BENTON	P O BOX 470	PROSSER	99350	(509) 736-3085	(509) 736-3063
CHELAN	P O BOX 400	WENATCHEE	98807	(509) 664-5431	1-800-833-6388
CLALLAM	P O BOX 3030	PORT ANGELES	98362	(360) 417-2221	1-800-833-6388
CLARK	P O BOX 8815	VANCOUVER	98666-8815	(360) 699-2345	(360) 737-6032
COLUMBIA	341 E MAIN ST	DAYTON	99328	(509) 382-4541	1-800-833-6388
COWLITZ	207 4TH AVE N	KELSO	98626	(360) 577-3005	1-800-833-6388
DOUGLAS	P O BOX 456	WATERVILLE	98858	(509) 884-9403	(509) 884-9477
FERRY	P O BOX 498	REPUBLIC	99166	(509) 775-5208	1-800-833-6388
FRANKLIN	P O BOX 1451	PASCO	99301	(509) 545-3538	1-800-833-6388
GARFIELD	P O BOX 278	POMEROY	99347	(509) 843-1411	1-800-833-6388
GRANT	P O BOX 37	EPHRATA	98823	(509) 754-2011 EXT 377	1-800-833-6388
GRAYS HARBOR	100 W BROADWAY STE 2	MONTESANO	98563	(360) 249-4232	(360) 249-6575
ISLAND	P O BOX 5000	COUPEVILLE	98239	(360) 679-7366	(360) 679-7305
JEFFERSON	P O BOX 563	PORT TOWNSEND	98368	(360) 385-9119 1-800-831-2678 EXT 119	1-800-833-6388
KING	500 4TH AVE RM 553	SEATTLE	98104	(206) 296-8683	(206) 296-0109
KITSAP	614 DIVISION ST	PORT ORCHARD	98366	(360) 876-7128	1-800-833-6388
KITTITAS	205 W 5TH	ELLENSBURG	98926	(509) 962-7503	1-800-833-6388
KLICKITAT	205 S COLUMBUS	GOLDENDALE	98620	(509) 773-4001	1-800-833-6388
LEWIS	P O BOX 29	CHEHALIS	98532-0029	(360) 740-1164	(360) 740-1480
LINCOLN	P O BOX 366	DAVENPORT	99122	(509) 725-4971	1-800-833-6388
MASON	P O BOX 400	SHELTON	98584	(360) 427-9670 EXT 470	1-800-833-6388
OKANOGAN	P O BOX 1010	OKANOGAN	98840	(509) 422-7240	1-800-833-6388
PACIFIC	P O BOX 97	SOUTH BEND	98586	(360) 875-9317	(360) 875-9400
PEND OREILLE	P O BOX 5015	NEWPORT	99156	(509) 447-3185	(509) 447-3186
PIERCE	2401 S 35TH ST RM 200	TACOMA	98409-7484	(253) 798-7430 1-800-446-4979	1-800-833-6388
SAN JUAN	P O BOX 638	FRIDAY HARBOR	98250	(360) 378-3357	(360) 378-4151
SKAGIT	P O BOX 1306	MT VERNON	98273	(360) 336-9305	(360) 336-9332
SKAMANIA	P O BOX 790	STEVENSON	98648	(509) 427-9420	1-800-833-6388
SNOHOMISH	3000 ROCKEFELLER AVE	EVERETT	98201	(425) 259-4726 1-800-562-4367	(425) 388-3700
SPOKANE	W 1116 BROADWAY	SPOKANE	99260-0020	(509) 456-2320	(509) 456-2333
STEVENS	215 S OAK	COLVILLE	99114	(509) 684-7514	1-800-833-6388
THURSTON	2000 LAKERIDGE DR SW	OLYMPIA	98502	(360) 786-5408	(360) 754-2933
WAHKIAKUM	P O BOX 543	CATHLAMET	98612	(360) 795-3219	1-800-833-6388
WALLA WALLA	P O BOX 1856	WALLA WALLA	99362-0356	(509) 527-3204	1-800-833-6388
WHATCOM	P O BOX 398	BELLINGHAM	98227	(360) 676-6745	(360) 738-4555
WHITMAN	P O BOX 350	COLFAX	99111	(509) 397-6270	1-800-833-6388
YAKIMA	128 N 2ND ST RM 117	YAKIMA	98901	(509) 574-1340	1-800-833-6388

➤ Attention speech or hearing impaired Telecommunications Device for the Deaf users: If you are using an "800 number" from the list above for TDD service, you must be prepared to give the relay service operator the telephone number for your county auditor.



Printed on recycled paper.
Please recycle this Voters Pamphlet!



Absentee Ballot Application

If you have requested an absentee ballot or have a permanent request for an absentee ballot on file, please do not submit another application.

To be filled out by applicant. Please print in ink.

Registered Name: _____

Street Address: _____

City: _____ Zip Code: _____


Telephone: (Day) _____ (Eve.) _____

For identification purposes only (optional): Voter registration number if known: _____

Birth Date: _____ Have you recently registered to vote? Yes No

I hereby declare that I am a registered voter.

Date _____

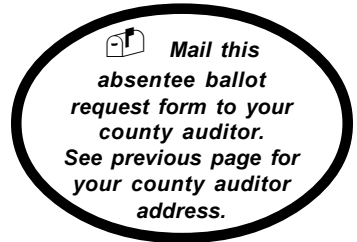
Signature  _____
To be valid, your signature must be included

Send my ballot to the following address (if different from above):

Mailing Address: _____

City: _____ State: _____

Zip Code: _____ Country: _____



This application is for:

General Election only
November 4, 1997

Permanent Request
All future Elections

For office use only

Precinct Code _____

Levy Code _____

Ballot Code _____

Ballot Mailed _____

Absentee Ballot Application

If you have requested an absentee ballot or have a permanent request for an absentee ballot on file, please do not submit another application.

To be filled out by applicant. Please print in ink.

Registered Name: _____

Street Address: _____

City: _____ Zip Code: _____


Telephone: (Day) _____ (Eve.) _____

For identification purposes only (optional): Voter registration number if known: _____

Birth Date: _____ Have you recently registered to vote? Yes No

I hereby declare that I am a registered voter.

Date _____

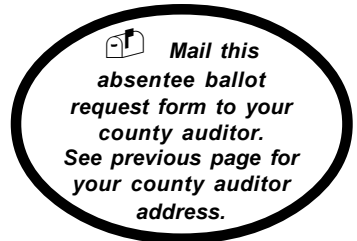
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